

By Mr. HENDRICKS:

H. J. Res. 303. Joint resolution to provide for appropriate military records for persons who, pursuant to orders, reported for military duty, but whose induction into the service was not, through no fault of their own, formally completed on or prior to November 30, 1918; to the Committee on Military Affairs.

By Mr. LYLE:

H. Con. Res. 120. Concurrent resolution to promote full recovery at the earliest opportunity; to the Committee on Military Affairs.

By Mr. HOFFMAN:

H. Res. 489. Resolution calling for law enforcement and protection of civil rights within the District of Columbia; to the Committee on Rules.

#### MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of Puerto Rico, with reference to the political and economic status of Puerto Rico; to the Committee on Insular Affairs.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AUGUST H. ANDRESEN:

H. R. 5197. A bill for the relief of the Olson Manufacturing Co.; to the Committee on Claims.

By Mr. BLAND:

H. R. 5198. A bill for the relief of Marjorie B. Marable; to the Committee on Claims.

By Mr. CELLER:

H. R. 5199. A bill for the relief of Moszes and Anna Helman; to the Committee on Immigration and Naturalization.

By Mr. McCORMACK:

H. R. 5200. A bill for the relief of Anthony (Tony) Di Ina; to the Committee on Immigration and Naturalization.

#### PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1473. By Mr. ANDREWS of New York: Petition signed by surgeons from 15 States or more, strongly urging the adoption of universal military training; to the Committee on Military Affairs.

1474. By Mr. ROCKWELL: Memorial from William C. Blair, secretary of the senate, State of Colorado, concerning the administration of the United States Forest Service; to the Committee on Agriculture.

1475. Also, memorial from William C. Blair, secretary of the senate, State of Colorado, memorializing the Congress of the United States to amend the Social Security Act, etc.; to the Committee on Ways and Means.

1476. Also, memorial from William C. Blair, secretary of the senate, State of Colorado memorializing the Congress of the United States to adequately support the United Nations Relief and Rehabilitation Administration; to the Committee on Appropriations.

1477. By the SPEAKER. Petition of the Council of the American Academy of Arts and Sciences, petitioning consideration of their resolution with reference to support of the United Nations Educational, Scientific, and Cultural Organization; to the Committee on Foreign Affairs.

1478. Also, petition of the Federation of Architects, Engineers, Chemists, and Technicians, Chapter No. 14, CIO, petitioning consideration of their resolution with reference to endorsement of S. 1592; to the Committee on Banking and Currency.

1479. Also, petition of the Retired Railway Mail Service Employees Association, petition-

ing consideration of their resolution with reference to endorsement of S. 896; to the Committee on the Civil Service.

1480. Also, petition of the Veterans of the Abraham Lincoln Brigade, Robert Merriman Post, petitioning consideration of their resolution with reference to the investigation of the Joint Anti-Fascist Refugee Committee by the Woods-Rankin committee; to the Committee on Rules.

## SENATE

TUESDAY, JANUARY 22, 1946

(Legislative day of Friday, January 18, 1946)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

O Thou kindly light, lead Thou us on. We grope forward with uncertain step in a tense time dark and filled with fears, as men in mad fury contend for the prizes they fain would grasp and the goals they blindly seek. The encircling gloom is about us. Help us to trust the faithful stars above us and the glow on the far horizon where the gates of dawn await the day of brotherhood. May the day star from on high arise within us, dispelling our inner darkness and so making us children of the light.

Grant us honesty in dealing with our besetting sins, humility in confessing them, and resolution in overcoming them. At this high altar in the temple of public service maintain in us the fidelity of those to whom much has been given and from whom much will be required. In the dear Redeemer's name. Amen.

#### ATTENDANCE OF SENATORS

CLYDE M. REED, a Senator from the State of Kansas; EDWARD V. ROBERTSON, a Senator from the State of Wyoming; and GLEN H. TAYLOR, a Senator from the State of Idaho, appeared in their seats today.

#### MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries.

#### CALL OF THE ROLL

Mr. ELLENDER. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Austin	Ellender	Kilgore
Ball	Ferguson	La Follette
Bankhead	Fulbright	Langer
Barkley	George	Lucas
Bilbo	Gerry	McCarran
Brewster	Gossett	McClellan
Bridges	Green	McFarland
Briggs	Guffey	McKellar
Buck	Gurney	McMahon
Bushfield	Hart	Maybank
Butler	Hatch	Mead
Byrd	Hawkes	Millikin
Capper	Hayden	Morse
Chavez	Hickenlooper	Murdoch
Cordon	Hill	O'Daniel
Donnell	Hoey	Pepper
Downey	Huffman	Radcliffe
Eastland	Johnson, Colo.	Reed
	Johnston, S. C.	Revercomb

Robertson	Taft	Wherry
Russell	Taylor	White
Saltostall	Thomas, Okla.	Wiley
Shipstead	Thomas, Utah	Willis
Smith	Tobey	Wilson
Stanfill	Tydings	Young
Stewart	Walsh	

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] is absent because of illness.

The Senator from Florida [Mr. ANDREWS], the Senator from Nevada [Mr. CARVILLE], the Senators from Washington [Mr. MAGNUSON and Mr. MITCHELL], the Senators from Montana [Mr. MURRAY and Mr. WHEELER], the Senator from Pennsylvania [Mr. MYERS], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Louisiana [Mr. OVERTON], and the Senator from New York [Mr. WAGNER] are necessarily absent.

The Senator from Texas [Mr. CONNALLY] is absent on official business as a representative of the United States attending the first session of the General Assembly of the United Nations now being held in London.

The Senator from Delaware [Mr. TUNNELL] is absent on official business as a member of the Mead committee.

Mr. WHERRY. The Senator from Michigan [Mr. VANDENBERG] is absent on official business as a representative of the United States attending the first session of the General Assembly of the United Nations now being held in London.

The Senator from California [Mr. KNOWLAND] is absent on official business as a member of the Mead committee.

The Senator from Vermont [Mr. AIKEN] is absent because of illness.

The Senator from Illinois [Mr. BROOKS], the Senator from Indiana [Mr. CAPEHART], and the Senator from Oklahoma [Mr. MOORE] are necessarily absent.

The PRESIDENT pro tempore. Seventy-seven Senators having answered to their names, a quorum is present.

JOURNAL OF THURSDAY, JANUARY 17, 1946

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana [Mr. OVERTON] to amend the Journal of the proceedings of the Senate of Thursday, January 17, 1946.

Mr. RUSSELL obtained the floor.

Mr. WILEY. Mr. President, will the Senator from Georgia yield to me to place something in the Record? I ask unanimous consent that I be permitted to do so, but that the Senator shall not be taken off the floor.

The PRESIDENT pro tempore. Without objection—

Mr. BALL and Mr. TAFT objected.

The PRESIDENT pro tempore. The Senator from Minnesota objects.

Mr. RUSSELL. Mr. President, today the Senate of the United States finds itself in a most unenviable position in the minds of the American people. We may talk about the responsibility for that condition, but all will admit that for the Senate to be found in its present condition in this time of chaos certainly is not calculated to increase its stature in the minds of our people.

We have just emerged from the greatest war of all history, and we emerged

victorious. During the time of national peril we experienced national unity. With the coming of victory that unity vanished. We are now in a period which is so critical for our future economy that what happens now will affect the happiness and prosperity of our people. We are facing a crisis second only to that fateful day in December when the Japanese attacked at Pearl Harbor. Our entire economy is threatened, the production which is essential to carry us through the reconversion period, which started with such bright prospects, is being shut down by industrial strife.

We are walking a tightrope in our fiscal affairs, with a debt which approaches \$300,000,000,000. We are threatened with the necessity of resorting to the printing press to pay the debt, or will be driven into a period of deflation which will make it necessary for us to repudiate it.

I have in my hand a copy of today's New York Times. The headlines proclaim "Truman calls for continued price control, higher wages, labor peace, reduced budget." Another headline says "Steel mills close." Another says "Snyder asks action to bar an 'economic Pearl Harbor'." And in that situation we find that the Senate of the United States is impotent to legislate.

Mr. President, I shall not discuss the responsibility for this situation other than to say that I want the RECORD to show, for the benefit of the future historian, that the opponents of the proposed legislation are in no wise responsible for precipitating this unfortunate condition. I want the RECORD to show, Mr. President, that the opponents of the proposed legislation are not responsible for the stalemate which exists in all the business of the Senate, and which makes certain that this bitter fight will be drawn out to a conclusion, to the death or detriment of any other legislation.

With approximately 2,000,000 people out on strike, we cannot consider, nor can a committee report, any legislation to deal with that crisis. We have the remarkable situation of the press reporting the Senator from New Mexico [Mr. CHAVEZ] as being willing to have any legislation of importance considered, when his right bower on the other side of the aisle will not even permit a bill to be introduced, will not permit a committee to report, in his determination that all business shall die, even though the condition of the Nation becomes worse, unless he can force us to accept his will in the matter of the pending so-called, but misnamed, fair-employment-practice legislation.

Mr. BALL. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield for a question. I shall be more generous than the Senator.

Mr. BALL. It is not a question, exactly. I merely wish to say to the Senator from Georgia that the moment this filibuster on the reading of the Journal is concluded, and we are back on Senate bill 101, so far as I am concerned I shall be glad to have the Senate transact any business, have bills introduced, and all other routine matters disposed of. So long as the opponents persist in preventing the Senate from actually getting to

Senate bill 101, by the tactic of amending the Journal, we will see that the Senate is tied up completely.

Mr. RUSSELL. Mr. President, I reiterate my statement, confirmed by the Senator from Minnesota himself, that the Senator takes the position that unless he can impose his will upon this body there shall be no legislation of any character, that no committee will be permitted even to report to the Senate a bill which would deal with any one of the serious problems confronting the Nation which are a thousand times more important than this vote-bait measure which has been forced upon the Senate at this critical hour. He will not even permit a bill to be introduced in the Senate to carry out any of the purposes of the President's message or to deal with problems which gravely affect the welfare of our people and the very stability of our form of government.

Mr. President, I ask that the RECORD show that in the midst of this storm of vituperation and abuse which is being hurled at the heads of those of us who oppose this proposed legislation we have not yet gone to the length of being willing to kill any opportunity to legislate on any other matter which might be vital to the welfare of this country.

Mr. President, those who think as does the Senator from Minnesota that this bill is of paramount importance, that it eclipses any other measure the Senate might consider, that it is of such vital consequence that we should proceed to vote on it without delay—those who think the bill is of such magnitude, of course, are justified in their positions of stalling all the machinery of government, in rendering the Congress helpless in a great national emergency. They are entitled to their views, much as we may deplore them. Those, Mr. President, who wish to prevent the Congress of the United States from dealing with any legislation on labor relations, those who might be willing even to say that no bill on the subject shall be introduced or reported by a committee, of course can rejoice and be exceeding glad, because so long as this measure is before the Senate and some Members take the attitude that they do toward those of us who are opposing it, they know that no legislation dealing with this critical condition of industrial strife and unrest can even be reported to the Senate or even introduced for the consideration of a committee.

I wish to have the RECORD show that those who are opposing this bill are not responsible for that situation in this time, when attempt is being made to drag on us over the radio and in the press by charging that we are a group of filibusterers because of the fact that we have strong convictions on this proposed legislation.

Mr. President, there is another group which can take much comfort from this situation. Those in this country who wish to generate and increase racial and class consciousness, those who wish to array section against section in this time, when unity is so important, those who wish to array one group of Americans against another group at a time when all these feelings are already rife, may well

rejoice at the situation in which the Senate of the United States now finds itself. I state again for the RECORD that those who are opposing this bill are in no wise responsible for bringing on that situation.

Mr. President, there are those of us who think, in the first place, that this bill does not address itself to any condition which exists today in the United States of America. There are those of us opposing this measure who think we see beyond this label of a fair bill a dangerous and revolutionary measure, the most far-reaching in its scope ever submitted to or considered by the American Congress. We see in this bill the power delegated to a new board or commission, which in the past has not established itself as being too responsible, to strike a death blow at the fundamental rights of private property of citizens of the United States. We see in this bill the immediate nationalization of all jobs, of all lines of business, whether it be in industry or agriculture or in commerce, of any business, whether it be conducted by a small concern or a large one; we see taken away from the employer the fundamental right to say whom he shall hire, whom he shall promote, whom he shall discharge. We see a board established which can go into the most intimate details of business of every kind, from a beauty shop to a huge commercial bank, and tell the employer whom he shall employ in positions of trust and responsibility, without regard to the opinion of the employer as to the loyalty or as to the competence of the employee.

Mr. President, we see in this bill more. We see that it will create much more unrest and strife than it can possibly remedy. We see in this period when the whole Nation is looking to the Congress to do something about the labor unrest, that this bill, instead of reaching into that situation, would create class and racial consciousness and bring about even greater labor unrest.

We see this bill as the entering wedge to complete state socialism and communism. There can be no doubt about the fact that the bill creates a vast employment agency for aliens, either those here or those who might wish to come to our shores. We know that that can be but to the detriment of native-born American citizens, who, after all, are supposed to have some remaining rights in this country.

We know, and I do not even believe that an advocate of the bill will deny, that this bill will submit American business to more badgering, to more harassment, to more annoyance than any other four pieces of legislation of which any person can possibly conceive, and that at a time when business is almost ready to give up the ghost because of being harassed and badgered by other Government agencies, by the very nature of the unrest which prevails in the country today. It is proposed to create a new agency to go into all the business houses of this Nation of every kind, shape, and character, with the right to examine books without a warrant, with the right to haul people around indiscriminately and to try them on any complaint, real



or imaginary, that discrimination has been practiced.

Furthermore we are opposed to this bill because it undertakes to regulate the tastes, the customs, the habits and the manner of life of all the American people. It is a long step forward toward that regimentation which so many people would like to see imposed in order to end the American way of life as we have known it.

That is what we see in this bill, Mr. President. Those who see these dangers inherent in the measure are not all southern Democrats. There has never been such a campaign of propaganda under false colors undertaken throughout the United States in behalf of any bill as that which has been put on in an effort to compel the Congress of the United States to take this bill without a thorough examination.

When we strip off the window dressing, it is little wonder that this campaign broke down, when it was confronted with the sound common sense of the masses of the American people. Everyone wants to be fair. The bill was labeled "fair." Proponents of the measure could say to a man, "Do you not want to be fair, and do you not want everyone else to be fair?" The first reaction of a person, of course, is to say, "Of course, I wish to be fair, and I wish everyone else to be fair." The American people are inherently and fundamentally a fair people.

The proponents of the bill use the technique of going to liberals, pseudo-liberals, and political liberals, and asking them if they do not want to be fair and support the bill. They dragooned a few of our friends into committing themselves to support it before they had looked beyond the title of the bill. In support of the bill, they could point to the fact that it was opposed by some southern Democrats. That carries a strong appeal in many sections of the country. It is said that southern Democrats are opposing it because they wish to grind down and hold in subjection the Negroes. That idea prevails in some circles, despite the fact that there is not a southern Democrat who does not know that the welfare of his people and the progress of his State are inseparably intertwined with the welfare and progress of the Negro population.

But the argument that it was a fair bill and was opposed by southern Democrats caught some of the unwary, or those who were inspired by prejudice. There was a great build-up for the bill over the radio and through the columns of the press. Every left-wing group in this country had each of its cells carefully instructed as to how to spread propaganda in support of the measure. Yesterday I referred to the message which happened to fall into my hands, instructing certain persons how to work both sides of the street, and thereby try to array Republicans against Democrats in an effort to obtain enactment of this great, "fair" bill, and commit Senators and Representatives to its support without knowing what was in it.

Despite all this, Mr. President, a Gallup poll which was taken on the seven proposals which the President most strongly emphasized in his first lengthy message

to the Congress revealed that of the seven issues submitted by the President, the so-called fair employment practice bill was the only one which did not have the support of the majority of the American people. I hold in my hand a report on that poll. It shows that the general public, in a ratio of 8 out of 10, wanted strike legislation. It shows that on the question of universal military training, that proposal, in some form, has the support of 7 out of every 10 people. It shows that by a small percentage the American people supported the President in his demand that the Congress increase the jobless benefits to \$25 a week. It shows that the majority of the American people approved a suggestion for raising the minimum wage levels. It shows that the general public was sympathetic to an increase in pay for Federal employees. The survey demonstrated that 72 percent of the people wished to see the price-control program continued. But when it comes to the FEPC, which is a misnomer, despite the campaign which has been put on all over the country, the poll shows that, notwithstanding the great pressure, by a small percentage the American people were 44 percent opposed and 43 percent in favor. So, Mr. President, in making this fight we are supporting the will of the majority of the people of the United States.

Why did the campaign for the bill fail? Why did the effort break down? The bill was mislabeled, and designed to appeal to every kind of prejudice in every section of the country outside the South. Why did it fail and break down? It failed because the supporters of the legislation made one tragic mistake. They must have had assisting them in directing their movements a lawyer who had a suspicion that the Constitution of the United States—a document which it was once considered good form to mention—was not yet quite dead. It was known that no power was given to the Federal Government to sustain such a legislative monstrosity as this. The lawyer evidently concluded that the police power of the States should be used. Conceivably it might be stretched to justify such a measure. It was decided to have the States enact laws creating fair employment practice commissions.

That was the mistake of the proponents of the bill. If that had not been done, we might have had a most difficult time obtaining hearings on the bill. If the proponents of the bill had not gone out to the grass roots where the State legislatures could look this gift horse of fairness in the mouth and see what it really was, it might have been possible to have perpetrated the legislative lynching which the Senator from Minneapolis [Mr. BALL] and others are so enthusiastically espousing. It might have been possible to have brought the bill to a vote, and to have imposed cloture in the Senate before Senators had an opportunity to explain the measure so that those of the American people who were not familiar with the bill could have an opportunity to know something about the kind of bill which was suggested.

Mr. President, I have no objection to any State legislature considering such a bill. As I have stated, there is no justification in the Constitution of the United States for such a measure. There is no police power of the Federal Government which can be properly applied to such a concoction as this. There may be some police power residing in the States, where the founding fathers intended to put the police power, which would justify the enactment of such a law. But when the supporters of the bill went before the hard-headed men who represent their people in the State legislatures, those men saw the true nature of the bill, and in practically every instance the proponents met with overwhelming defeat.

Bear in mind, Mr. President, that none of the State bills was nearly so drastic in its penalties and so far-reaching in its scope as is the bill which is now before the Senate. They were much milder in their terms. But the State legislators who, as I have found from 10 years of experience in serving in the legislative body of my own State, are rather careful in looking at bills, saw the vices which were inherent in even those mild measures, and they refused to start the majority of their people on the way to bondage merely because some trickster of draftsmanship had labeled the bill a fair-employment bill.

Mr. President, they went to 20 States with this bill, and of course they selected those where they thought the opportunities for its passage would be best. They got it through in New York, although the bill which was passed in New York is not nearly so strict in its terms as is the pending bill, and it does not carry such drastic penalties as the proponents of this bill would have the Federal Government impose. But in New York they did get through a bill which was called a fair-employment-practice bill.

In the State of New Jersey they secured the passage of a bill which was labeled a fair-employment-practice bill. It did not undertake to fine and jail the citizens of New Jersey in the same measure that this bill undertakes to fine and jail all the people of the United States; but they did secure the passage of such a bill in the State of New Jersey.

The other 18 States utterly rejected any idea of compulsion. The State of Indiana directed the secretary of its department of labor to make a study of the subject in connection with the question whether there was any discrimination. We might have profited from that example. The fact that we did not do so shows how half-baked we are in dealing with these vital measures. We made no real study to determine the extent of discrimination.

In Utah a legislative investigating committee was appointed to look into the situation and see whether a constitutional bill could be drawn, whether the legislature had the power, and whether there was, in fact, discrimination in the State.

The other 16 States refused even to deal with the subject by passing any form of legislation relating to it, regardless of whether it was educational or

whether it was to provide for an investigation, and they rejected the idea of imposing a criminal penalty on their citizens on the basis of a charge so nebulous and hard to defend against as that one citizen had discriminated against another in respect to conditions of employment or in employing or in discharging.

I shall name the 16 States in which such legislation was not passed. It was not passed in the State of California; on the contrary, it was rejected by the California Legislature. However, one of the Senators from that State is the coauthor of this bill and is urging its passage by the Senate of the United States. The last time I heard anything from California they even had rules there about the right of aliens to own land, yet one of the Senators from that State is espousing a bill to create a gigantic employment agency to insure that every alien shall have a job; and I am not at all sure but that under the terms of this bill, which I shall presently discuss in detail, the Fair Employment Practice Commission would not even be given a right to go into the whole question of restrictive covenants and to say absolutely what a man might do with his land and limit the power of any person to impose a restrictive covenant in connection with the transfer of title to real estate in this Nation.

Mr. WILLIS. Mr. President, will the Senator yield to me for a parliamentary question?

Mr. RUSSELL. I yield.

Mr. WILLIS. I wonder whether the Senator is going to devote his attention to a discussion of the bill or to the question of the Journal.

Mr. RUSSELL. I have discussed only the bill, and I have no other purpose.

Mr. WILLIS. I thank the Senator.

Mr. RUSSELL. Mr. President, in the Legislature of the State of Colorado legislation of this nature was introduced. The members of its legislative body did not think the whole fate of the world in this hour depended upon the creation of a new commission. They undoubtedly thought there were more important matters to which the Colorado Legislature could address itself. They showed better judgment than did the Senate of the United States, for in their legislature the bill was not acted upon, and it died.

The Legislature of the State of Connecticut had an opportunity to rush into this very situation which is asserted to be so critical by the sponsors of the bill. Certainly, Connecticut is a liberal State in its thought. No one can deny that fact if he has followed the results of elections there and the general trend of public life in Connecticut. But the Connecticut Legislature was not impressed with the necessity for this bill, and defeated it.

The State of Illinois, a great industrial State, had an opportunity to protect its people from all of the great unfairness and discrimination which it is said is rampant. The State of Illinois is divided very strictly on party lines, but the legislators in that State did not fall for this working-both-sides-of-the-street idea that is sought to be applied in the Senate of the United States, and they showed their good judgment by defeating the measure.

The State of Kansas had an opportunity to enact legislation on this subject.

The States of Maryland, Massachusetts, and Michigan refused to enact legislation on this subject. They are all great industrial States, and if there was any great epidemic of discrimination against any persons entitled to protection under the law, certainly the legislators of those States, who had some faint excuse under the police power which is vested in the States under our Constitution, would have taken action to protect those who live within their confines.

The State of Minnesota had an opportunity to enact legislation on this subject. I regret that the junior Senator from Minnesota [Mr. BALL], who has been most zealous in attempting to cram this bill down our throats, who has insisted that we discuss the bill, is not now present on the floor of the Senate, because I am undertaking at least to lay the groundwork of my discussion by showing why the majority of the people of this Nation are opposed to having the Senate deal with a measure of this kind in this very critical hour. The State of Minnesota, where the Senator's candidate for President of the United States is supposed to exert great power and influence, and where the Senator from Minnesota himself is recognized as a great liberal, found that its State legislature had too good judgment to undertake to invade every little business enterprise in Minnesota and tell the proprietor of that enterprise how he should operate his business and whom he should hire and whom he should promote. Ah! The Senator from Minnesota would do well to be in the legislative body of his State objecting to anything which any person in his State might think important to the welfare of the people of Minnesota, rather than sitting here and tying the hands of the Senate of the United States, rendering all the machinery of government absolutely impotent in this hour of great crisis.

Mr. President, to my surprise I have found that the great State of New Mexico has had an opportunity to pass legislation such as this, and I find that the legislature of that State had too much good common sense to invade the rights of their people.

Mr. CHAVEZ. Mr. President—

Mr. RUSSELL. I yield for a question.

Mr. CHAVEZ. I know New Mexico and I know the legislature did that. But it was not because of the common sense of the legislature; but as in many other States, they neglected to pass laws which would deal with human beings.

Mr. RUSSELL. Very well. I know something about the influence within his State of the Senator from New Mexico. I had the pleasure of visiting New Mexico, as I recall, in September 1944. It was my high privilege to go about that State with the Senator from New Mexico. I had the pleasure of meeting many fine people. I went back into the remote vastness of the mountains where live some of those whom the Senator from New Mexico represents. I have never seen men and women walk up to a public official and shake his hand with more adoration in their eyes than I saw in the eyes of the constituents of the

Senator from New Mexico. They considered it almost a great honor to touch the hem of his garment. The Senator from New Mexico, instead of using the great influence which he has in that State—it is a State which has a larger percentage of Mexican and Hispanic peoples than any other State in the Union—for the purpose of affording them protection under the police powers of the State of New Mexico, says, "No, I will impose my will from Washington. I will design a broom that has a handle of sufficient length for me to stand in the Capitol of Washington and sweep out a bad situation in the backyard of New Mexico."

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. CHAVEZ. It is possible that the failure of the Legislature of New Mexico to pass a law similar to the one which is provided for in the bill now before us, is my fault. I did not interfere with a single member of the Legislature of the State of New Mexico.

Mr. RUSSELL. I may say that the Senator from New Mexico is trying to interfere with a great many Members of the Senate.

Mr. CHAVEZ. I belong to the Senate of the United States as much as does the Senator from Georgia.

Mr. RUSSELL. I would fight for the protection of the Senator from New Mexico and for his rights as earnestly as I am fighting for my own.

Mr. CHAVEZ. However, I may say that I did not believe it was proper for a United States Senator to tell any individual member of the Legislature of the State of New Mexico what he should do with regard to any legislative proposal.

Mr. RUSSELL. Mr. President, let the Senator take care of New Mexico. That is what I am asking him to do. I am asking him to take care of New Mexico and keep his hands off of other States and other people who do not want such legislation as that which is being proposed here.

Mr. CHAVEZ. Mr. President, I represent the State of New Mexico, but I am also a Senator of the United States. In my humble opinion I think it is time to quit legislating for sections. I think it is time for the United States Senate to legislate for all the people of the United States without exceptions, and differentiations with regard to any State legislation.

Mr. RUSSELL. Of course, there are many persons who take the position that the States have no rights in this new day. I can recall the time when if an idea had been advanced on the floor of the Senate that such a bill as the one now pending could stand the test of constitutionality, the Senator advancing the idea would have been laughed out of the Senate. I think that the States still have some rights. I know that the Constitution provides that all rights not delegated to the Federal Government are reserved to the people. It is the people of the United States for whom I am fighting today. I am fighting for their right to live, their right to conduct their humble businesses as they see fit to conduct



them, without the blighting hand of Federal bureaucracy coming down to harass and annoy them and eventually to destroy private business.

I repeat, Mr. President, that if conditions in New Mexico are terrible, the New Mexico Legislature can deal with them. I do not know a single member of that body, but I refuse to believe that they are purblind to any condition of discrimination which may exist as bearing down thousands of citizens in the State of New Mexico. I believe they are loyal American citizens. I believe that if they thought, as does the Senator from New Mexico, that the entire good-neighbor policy of this country depended on such legislation as is now being proposed, they would enact legislation of that nature. I believe that if they had thought it was necessary to create an employment bureau, as this bill proposes to do, in order that aliens may secure employment, the Legislature of New Mexico would have provided for that end. The Senator from New Mexico has been swept away by his feelings, and has greatly magnified the seriousness of a condition which does not exist to any considerable extent within his State.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. FULBRIGHT. I did not quite understand. Did the Legislature of New Mexico have before it last year a similar proposal?

Mr. RUSSELL. Oh, yes; in 1945 the legislature had before it a similar bill which it did not pass.

Mr. HILL. Did either house of the legislature pass it?

Mr. RUSSELL. I do not know as to that. The Senator from New Mexico could answer that question better than I.

Mr. CHAVEZ. The senate voted on the bill and defeated it.

Mr. RUSSELL. It is my understanding that after it was defeated in the senate it was not considered by the other house.

Mr. President, I hope that we may have a facsimile of such action in this body.

The State of Ohio defeated legislation of this nature. The great industrial States of Pennsylvania and Rhode Island had an opportunity to protect their citizens against what some Senators would have us believe is the great wave of discrimination which is breaking down all commerce, affecting the national security, endangering the general welfare, and crippling production—dangers which are set forth in the preamble of the bill which is now before the Senate. The legislators of those States were too smart to get caught by any such trick title as that which is used in connection with a fair employment bill which is so far-reaching in its powers and in the invasion of the rights of the individual as that which is being proposed today in the Senate.

Mr. CHAVEZ. Mr. President, so long as the Senator from Georgia feels that the State of Rhode Island and the other States to which he has referred rejected the bill in their respective State legislatures, does he not believe that it would be proper to allow the men in the United

States Senate who represent State constituencies to say whether they favor such legislation?

Mr. RUSSELL. Mr. President, I am perfectly willing to allow any Senator to state whether he favors such a bill, and why he favors it. I merely wish to say that there can be no such condition in this country as that which is set forth in the preamble to the bill. I refuse to impeach all members of State legislatures of this Nation as being derelict in their duty in considering the rights of their constituents. For 4 years I was speaker of the house of representatives of the legislature of my State. I may say that the members of the State legislative body in which I was honored to serve were and are just as zealous in their desire to serve the public welfare as is any Senator of the United States. They were interested in the rights of their constituents even though many times they were few in number. Mr. President, I often found that they were not so easily swayed by political considerations as I have feared some other persons were swayed.

I continue reading from the list of States to which I referred. Let us consider the State of Washington. I ask all who label themselves liberals to ponder the fact that the State of Washington, which is certainly not a reactionary State, had this matter up in its general assembly, and the legislators of that State were not convinced that there was any immediate danger that all business and industry in the State of Washington would collapse if they did not rush in and create a new commission to invade and destroy the rights of private property.

The State of West Virginia and the State of Wisconsin are also States which are considered to be liberal in their outlook. There were times when at least the State of Wisconsin called itself progressive. The legislatures of those States had before them legislation creating a so-called fair employment practices commission, and in the better judgment of the men composing the legislatures of those States—and I reiterate that they are as interested in the welfare of their constituents as are United States Senators—they refused to pass a bill which was as revolutionary and as identical in its purport as is the proposed legislation now being considered by this body.

Bear in mind also, Mr. President, that none of those bills was so sweeping in its terms and so drastic in its penalties as the bill which we are asked to pass without even a full discussion.

So, Mr. President, we may not be in the majority in the Senate of the United States at the present time, but we can look at the record of what has transpired in the legislatures from California to Connecticut and assure ourselves that we are at least standing shoulder to shoulder with the best thought of the members of the State legislatures, who have time to consider legislation carefully, who are not burdened down with other duties, and who are not so susceptible in some cases to various pressure groups. They are close to conditions.

I endeavor as diligently as I know how to stay close to my people back home,

but in the last 5 or 6 years it has been well-nigh impossible. Our duties require our constant attendance here in the confused and chaotic and pressure-ridden atmosphere of the city of Washington. We sometimes cannot see the forest for the trees here in Washington; nor see the facts for the fumbler and for the lobbyists who are here.

Mr. President, the members of the State legislatures, wherever they may be, are infinitely closer to their people and are far more intimate with the public pulse and with what is transpiring in their States than the Members of the Senate can be. So when we hear this cry of "wolf, wolf," of great discrimination, when there are so many domestic strikes, depriving the United States of its capacity for production, endangering the national security and the general welfare, and affecting adversely commerce, let us go back to the "grass roots" of the States where the people really live and see how much truth there is in such high-flown phrases and words as we constantly hear.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield for a question.

Mr. FULBRIGHT. Before the Senator leaves the question of the action taken by various States, let me inquire if any of the States in the South refused to pass such legislation?

Mr. RUSSELL. No, not a single Southern State refused to pass legislation of this character. Of course, I must say that I do not undertake to claim for them any credit on that account. Our people had the good judgment not even to consider invading the rights of individuals and taking away the property rights of business.

Mr. FULBRIGHT. If the Southern States had declined to act, would they have constituted a majority of the States which refused to pass such legislation?

Mr. RUSSELL. The States that refused to act constituted a majority of all. Of course, if the 11 Southern States had acted there would have been a great majority of States acting against it. However, of all the 48 States the legislation was introduced in only 20 and it was defeated in 18, so that the Senator can figure out the percentage of the number of State legislatures that thought it worth while to enact even a much milder bill than the one we now have before us or even to consider or introduce such a bill.

Mr. President, I say that this bill is here just as the result of the activities of pressure groups. I do not say that every man who is supporting this bill is a Communist, because I know that some of my good friends have been misguided and misled and have fallen into the trap. But I do say, Mr. President, without the slightest fear of contradiction, that every Communist and every Socialist in this land, wherever he may live, is ardently supporting this bill. There are reasons for that. If the desire is to nationalize industry here is the chance. It is not strange that the Daily Worker should take up the cudgels day after day in behalf of this bill. If I were one of those who operate that periodical, so would I, because I know what will hap-

pen if we ever let the Federal Government invade the little business enterprises and little farms of this country with such a scheme as this. In the very nature of things it will have to result in the nationalization of all industry and business.

Mr. President, as I say, the Gallup poll showed a majority of the people were against it, because, realizing that this bill perhaps was unconstitutional, in going out to the States with this proposition they went out to the "grass roots." Of course there are thousands of others in the country who do not understand the bill; and that is the purpose of this discussion.

Mr. MAYBANK. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield for a question.

Mr. MAYBANK. I desire to ask the distinguished Senator from Georgia if later in his remarks he intends to discuss the manner in which the Fair Employment Practice Committee carried on its work in 1944 and 1945, and further if he intends to go into the hearings which the Committee on Appropriations held in 1945? I ask the distinguished Senator from Georgia further, since he has referred to the socialization of industry, if he intends to bring out the statement which Mr. Ross, who is, or was, the chairman of the Fair Employment Practice Committee made to the Appropriations Committee in answer to a question by the Senator from Minnesota [Mr. BALL], who inquired:

There have been more correspondingly—

Referring to cases of discrimination—in the North than there have been in the South.

Mr. Ross answered "Yes."

There were very few complaints against the hiring of Negro labor in the South because the southern people understood Negro labor.

I am wondering if the Senator intends to refer to the statement of the chairman of the committee himself.

Mr. RUSSELL. I recall the testimony to which the Senator from South Carolina adverts. I shall discuss this bill with the utmost frankness, for I always try to be frank. As a part of the technique to force this bill through the Senate, I know that those who are going to Senators and insisting that this bill is necessary in order to protect the rights of Jews and Negroes are saying that if a Senator on this floor in discussing the bill which has been brought forward by this pressure group mentions either one of them he must be labeled as being anti-Semitic or as being anti-Negro. That is a part of the technique, working both sides of the street, playing Republicans against Democrats and trying to muzzle full discussion of it. While the proponents themselves, in discussing it, say it is designed for certain purposes, if we mention any of those purposes which they have brought forward we are immediately attacked as being anti-Semitic and anti-Negro. I shall discuss it frankly, but I shall not go into any detail about the Negro question today, I may say to the Senator from South Carolina, because I have another day's speech, in which I hope to discuss that situation.

So I hope the Senator will forgive me for not going into it today. I do not intend to mention the Negro situation other than to say that I think a Negro drug-gist in Harlem is just as much entitled to refuse to hire a Japanese-American as a pharmacist as a white man in Atlanta, Ga., operating a drug store, is entitled to select another white man instead of a Negro as a pharmacist. That is equality all over the United States. Much is said about minorities. Under our Constitution all minorities are supposed to be afforded equal rights and not special privileges, and the latter, as I say, is what this bill proposes to confer.

I shall not discuss the claim that the bill is necessary for the Jews. Some of my constituents who are Jews have talked to me about it, and they say they see no need for it. I think it would be very manifest from an economic survey that the Jews, in proportion to their numbers in the United States, control as many employment opportunities as any other group, if not more. Certainly there is no necessity for passing the bill to protect them in any of their economic rights, or what are asserted to be immunities, in this legislation.

I shall not go into that problem at this time. I propose to discuss the bill as it applies to the entire Nation. At a later date I may discuss some of the aspects of the question which the Senator from South Carolina raised. In fact, I intend to do so.

Mr. MAYBANK. Mr. President, I wish to ask the Senator a question, inasmuch as he has said the bill affects the entire Nation, and it will, indeed, affect everyone. The thought I had in mind at the time I interrupted the Senator was that it would affect the entire Nation. The distinguished Senator from Georgia must be well acquainted with the fact that a railroad case was brought against the southern railroads, but not all the railroads.

Mr. RUSSELL. The Senator is correct, and in my other speech I shall discuss that matter in some detail. I wish to say, however, that in my discussion today I am not dealing with this question as a sectional question. I realize the studied effort that has been made to treat the bill as a sectional measure, but the issue is not sectional, and the opposition to the bill is not confined to southerners.

I hold in my hand a letter from the National Association of Retail Grocers, whose general offices are on North Michigan Avenue in Chicago, Ill., who are asserting their right to conduct their little grocery stores as they see fit, without having the long arm of the Federal Government reach down and tell them whom they may hire, whom they may fire, and whom they may put in charge of the cash register.

I have here a resolution which was adopted by this association of grocers on this subject. This is what they have to say about it:

Whereas the so-called—

Even they know it is just a "so-called"—

Whereas the so-called fair employment practice bill, S. 101, would, if enacted—

1. Virtually eliminate managerial discretion in hiring, promoting, laying off, and discharging employees;

2. Establish a permanent Federal bureaucracy which, through its agents, would act as prosecutor, judge, and jury, such agents being authorized by the bill to enter private places of business and conduct searches and examine and copy records without a search warrant or any showing of public cause;

3. Deprive employers of most of their rights on appeal to the courts from any conviction of discrimination;

4. Expose employers to endless harassment and litigation by disgruntled job seekers and to future liabilities, the existence of which they did not suspect and for which they made no provision; and

Whereas the announced objectives of this legislation can be advanced most effectively through education and the voluntary promotion of mutual understanding and good will between all groups of Americans:

Resolved, That the National Association of Retail Grocers vigorously and actively oppose the enactment of this or any similar legislation; further

Resolved, That copies of this resolution be sent to all Members of Congress and, together with additional information on the subject, to all State and local secretaries of affiliated associations.

Mr. President, if I had not stated that this was a resolution passed by the National Association of Retail Grocers, who have their little stores on the street corners in the East and in the West, a person hearing me read that would have said it was merely the objection of some southern Democrat.

When we expose this bill, when we bring its iniquities out into the full light of the day, we find that 90 percent of the American people, whatever may be their business, are likewise opposed to it. In opposing the proposed legislation we are protecting the rights of all Americans everywhere. I could read at great length the list of other bodies, which are in no wise southern in their character, which are opposed to the bill.

As an example, let us hear what was said by the Chamber of Commerce of Cleveland, Ohio, in opposition to the so-called fair employment bill. It discusses and analyzes the bill sufficiently to refute the idea that there is any necessity for it, or that there is any precedent for it, pointing out how oppressive it would be, what unusual powers it would vest in an irresponsible commission, the members of which the President could not even remove when he had appointed them, even though they had the power to issue a mandatory order to the President of the United States. The bill proposes to establish a commission which can issue orders to the President of the United States, and he would have no right to question them, but would have to carry them out. I shall show that in a few moments.

Mr. LUCAS. Mr. President, will the Senator yield in order that I may report two short resolutions?

Mr. RUSSELL. I shall yield for any purpose that will not prejudice my right to the floor, but I shall refuse to yield to anything that will take me off the floor.

Mr. LA FOLLETTE. Mr. President, I shall feel constrained to object.

Mr. RUSSELL. I wish to emphasize again, for the benefit of the Record, that



the opponents of the proposed legislation are not those taking the position that no bill can even be introduced, that no report of a committee can even be received, unless we are willing to swallow whole the will of those who would impose this monstrosity on the American people.

Now, Mr. President, I shall proceed to the reading of this quotation from the resolutions of the Chamber of Commerce of Cleveland, Ohio. They talk about the objectives.

The method proposed for accomplishing the objective is to coerce the employer, labor union, or agency of the Federal Government to recognize certain principles of conduct and to establish certain social relations which are necessarily incident to the employment of persons. We recognize that the proponents of the bill say that there is no attempt therein to bring up the question of social equality. However, the employment of persons necessarily involves social distinctions both from the standpoint of the employees and the employer, and such distinctions, often unfortunate and odious, are nevertheless not capable of elimination by legislation and coercive methods.

This legislation involves the creating of a new Federal bureau and the appointment of five commissioners who will constitute the administrative, executive, and judicial board under the Fair Employment Practice Act.

The bureau will be organized throughout the entire country for the purpose of policing industry and enforcing the act.

Mr. President, that is not the statement of a southern Democrat. It is the Cleveland Chamber of Commerce analyzing this bill.

The Commission will be empowered to designate one of its members or designate any number of agents, any one of whom could be empowered to conduct trials against employers anywhere in the land. There is no limit to the number of such agents who could be appointed.

Mr. BUSHFIELD. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield for a question.

Mr. BUSHFIELD. Does that mean, may I ask the Senator, that the culprit could be dragged as far as Washington for trial?

Mr. RUSSELL. Mr. President, this bill creates perambulatory kangaroo courts which can drag an employer to any place in the United States they wish. That is one of the threats held over the head of American business, of the American employer, of the American farmer who employs more than six individuals, to make sure that he takes care of all aliens in his employ to the detriment of American citizens who might be seeking work.

Mr. BUSHFIELD. I thank the Senator.

Mr. RUSSELL. Mr. President, agents of the Commission can conduct trials against an employer anywhere in the land.

Mr. WILEY. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. Hill in the chair). Does the Senator from Georgia yield to the Senator from Wisconsin?

Mr. RUSSELL. I yield for a question.

Mr. WILEY. I was interested in what the distinguished Senator from Georgia just said. There is one thing I should like to have him explain. Suppose a busi-

nessman employed more than six persons, and he decided to employ A instead of B, and that then the kangaroo court of which the Senator speaks went into action and found that B was discriminated against and should have the job. Is there any provision in the bill to protect A?

Mr. RUSSELL. Not the slightest on earth. I shall go into that subject in some detail when I undertake to show that instead of preventing discrimination, this bill in itself provides a violent discrimination in favor of the groups it mentions, and that it creates a situation which makes it certain that in the matter of employment and in the matter of lay-off the employer will not discharge one of the minority groups or he will not employ one of the majority groups because he knows that the Commission would immediately call him before this court, in which he has no chance, where he cannot have trial by a jury of his peers, where there are no rules of evidence, where hearsay evidence or anything may be introduced against him. That prospect, of course, means that the employer will retain the alien to the detriment of the returning veteran who may be looking for employment.

Mr. WILEY. Mr. President, will the Senator yield further?

Mr. RUSSELL. I yield.

Mr. WILEY. As I understand, the courts have held that once a man is an employee, if he strikes, that does not ipso facto dissociate him from the employment. Am I correct about that?

Mr. RUSSELL. I do not know that the courts have gone quite that far. I might say that I would not be at all surprised if they have. I hope the Senator will not ask me about the position of the Supreme Court because the Senator knows that one of the distinguished members of the Supreme Court said just a few days ago that decisions rendered by the Supreme Court were like a one-way ticket on a railroad that was good for 1 day only. There once was a time when men entered law offices in order that they might study and acquaint themselves with great legal principles, but now the man who has the latest edition of the newspaper or who has a portable radio is much better prepared for the practice of law than his brother who is only armed with a good law library. The Supreme Court cannot keep up with its decisions, and I must confess I have lost my zest for reading Supreme Court decisions of recent date.

Mr. WILEY. I am leading up to a question, if the Senator will yield further. I assume the Senator will agree with me that there is no law to the effect, nor has there ever been a decision which held, that until employment takes place there is any restriction upon the employer to determine whom he shall hire.

Mr. RUSSELL. If property rights in this Nation mean anything there cannot be such restriction under the Constitution of the United States, because that is certainly an essential part of property rights. That is my own view. As I stated before, I do not know what the Supreme Court would hold on this question. The bill undertakes to give to those mentioned in it, whether the individual be an alien or whether he be a Communist, a vested

right of employment. That is what the bill does. It establishes a board to enforce that vested right in the individual to have a job.

Mr. WILEY. Mr. President, will the Senator again yield?

Mr. RUSSELL. I yield.

Mr. WILEY. Now we are coming to the point I was trying to make. There is no question of a contract of employment until an agreement to hire is entered into between the employer and the employee.

Mr. RUSSELL. There never has been in the America we have known. There might be in the new America which the sponsors of this bill would bring upon us. Under it, if the individual can associate himself with the four definitions in the bill, with the four categories in the bill, he has a vested right in employment.

Mr. WILEY. Then, one of the issues is whether or not we are going to attempt to make effective legislation which is going to say to the employer, whether he be a farmer, merchant, businessman, professional man, or what not, "This individual you cannot hire, but this individual you must hire."

Mr. RUSSELL. That is the practical effect of the bill; that is unquestionably the effect of the bill, and that is the reason I am asserting that it is absolutely destructive of all private property, and will result in the absolute nationalization of all industry and of all jobs. There is no way to avoid that conclusion. Lincoln said the Nation could not exist half free and half slave, and certainly private business in this country could not exist if it were three-fourths slave and one-fourth free.

Mr. President, we were talking about perambulatory courts. There is no limit to the number of agents who may be appointed. The statement I shall now read from the analysis of the bill made by the Cleveland Chamber of Commerce, I may say to my distinguished friend the Senator from South Dakota [Mr. BUSHFIELD], applies to the question he raised, and answers it:

Witnesses could be subpoenaed and forced to attend from any place in America. The qualifications of such one-man courts would be determined, not by Congress—

No, Mr. President, the qualifications would not be determined by the Congress. We would send them forth clothed with all the power of the Congress, and tell them, "You do not even have to be lawyers. You do not have to know a rule of evidence, or observe a rule of evidence." We would have no power to determine their qualifications. They would be determined by the commission, in accordance with its rule-making power.

The Commission or any of its agents—

The unlimited army which the bill would create—

could, according to section 9 of the bill, have the power to enter private business places and there conduct searches, examine and copy any evidence of any person being investigated or proceeded against by such agency.

In the old days our misguided fathers thought that the power of search and seizure should be very carefully restrained. They undertook to do so in the Constitution of the United States,

before that document was discarded in the Halls of the Senate. If we pass this bill, we shall delegate unlimited power of search without the slightest scintilla of process of law.

I now recur to the statement of the Cleveland Chamber of Commerce:

The bill makes no requirement as to probable cause for such search or the need for a search warrant. If the victim should "willfully resist, prevent, impede, or interfere" with such a search he would thereby become subject to fine and imprisonment.

That is a pretty accurate description of the bill. I should like to conclude with the closing statement of the Cleveland Chamber of Commerce. Bear in mind that this is an organization in Cleveland, Ohio. The statement from which I am reading is not the opinion of a despised southern Democrat.

The bill is a departure from the traditional American system of free enterprise with respect to the right that has always been enjoyed by employers to use their own sound judgment and discretion in selecting loyal and capable employees. Under the American system of competitive free enterprise, a man has been able to excel and make progress because of his ability to judge men and surround himself with employees whom he could trust, and who could produce more and better services. It is through that system of competition and improvement that private enterprise has succeeded in America when it has failed in other countries.

That is a statement from a representative business group in the great State of Ohio. They realize, as well as do certain southern Democrats, that this bill aims at the heart of our system of free enterprise a blow which will absolutely destroy the American system which we have known, and regiment our people in a totalitarian state.

Mr. BUSHFIELD. Mr. President, will the Senator yield for a question?

Mr. RUSSELL. I yield for a question.

Mr. BUSHFIELD. If this bill should become law, may I ask the Senator if the natural implication of the law would not be an ever-increasing flood of inspectors and examiners over the country?

Mr. RUSSELL. There is absolutely no limit to the number of persons who might be selected by the Commission to go forth and harass, annoy, badger, and drive out of business all those who have made this country great through the operation of a free system of agriculture, industry, and enterprise generally. There is no limit.

Mr. BUSHFIELD. Mr. President, will the Senator yield for a further question?

Mr. RUSSELL. I am glad to yield for a question.

Mr. BUSHFIELD. Would these examiners, inspectors, or whatever they may be called, be given the authority and power to decide when to arrest the culprits?

Mr. RUSSELL. The bill uses the oblique technique of the totalitarian advocates. The examiner himself would not have the power to arrest. He would not need any warrant. He would go into a man's place of business and say, "I am going through your books to find out why you did not employ John Jones instead of Bill Smith to help you in the shop or to help you gather your wheat

crop last week." A farmer might say, "I do not keep any books. The few memoranda which I have are my private affair, and you cannot see them." If the examiner showed his credentials as an examiner for this irresponsible Commission and the farmer still refused to show the examiner his books, or to furnish him with copies, the farmer could then be haled before the court and sent to jail for 1 year or fined \$5,000, or both. That is the provision of the bill.

Mr. BUSHFIELD. I thank the Senator.

Mr. WILEY. Mr. President, will the Senator yield for a question?

Mr. RUSSELL. I yield for a question.

Mr. WILEY. Suppose a farmer had a family of seven, and regarded them as employees, paying them wages. Nowadays that is about the only type of farmer who is really getting ahead, because farmers cannot hire labor.

Mr. RUSSELL. That is correct.

Mr. WILEY. Suppose the farmer pays the members of his family wages, thus creating the relationship of employer and employee. Is it the Senator's opinion that such a farmer would be subject to the act?

Mr. RUSSELL. Any time he had more than six persons in his employ he would be bound by the act, just as much as the United States Steel Corp. would be. If he had more than six persons working for him on his farm, he would be just as much subject to the provisions of the act as would any other enterprise in the country.

Mr. WILEY. Suppose a hospital employed more than six nurses. Would it be subject to the act?

Mr. RUSSELL. Of course it would. I think there is no question about it.

Mr. WILEY. How about a clinic?

Mr. RUSSELL. I believe it would be subject to the act. There is absolutely no exception. The bill undertakes to apply to any type of business.

Mr. WILEY. Suppose a legal firm employed six or more lawyers.

Mr. RUSSELL. In that case I do not know whether any attempt would be made to enforce the act. However, if the legal firm had a case outside the confines of the State it would undoubtedly be subject to the provisions of the act, or if its activities affected the sum total of the flow of commerce, it would be subject to the act. In a farm case the Supreme Court held that even though the goods never left the farm, they affected commerce and brought a farm under the commerce clause. But the example which the Senator cites is a rather close case. Perhaps the lawyer would be the only man who might escape. Perhaps a church might escape. I have considered that question, and I do not know that a church would be held to be in interstate commerce, even though it had more than six employees. Of course, the pastor would be prevented from speaking over the radio. If he spoke over the radio he would be brought under the provisions of the bill. But so long as the pastor stayed off the radio I think perhaps a church would be exempt from the operations of the law, even though it might employ more than six persons.

Mr. WILEY. Mr. President, will the Senator further yield for a question?

Mr. RUSSELL. I yield for a question.

Mr. WILEY. Take the case of an ordinary retail store which employs more than six persons, and necessarily buys its merchandise from outside the State. Would it come within the purview of the bill if it should become law?

Mr. RUSSELL. I do not know that that question has been directly determined by the courts. I know that the courts have specifically held that a wholesale merchant who dealt in goods which might have been shipped to him from without the State was engaged in interstate commerce. That has been clearly established; and by implication, with the present tendency of the Supreme Court to play on the Constitution as on an accordion, stretching it out and drawing it in in order to pipe a tune which happens to meet the mood of the day, I think there is no question that the Supreme Court would hold that the business of a retail grocer affected interstate commerce.

Mr. BANKHEAD. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. BANKHEAD. I am quite sure the question has been specifically decided.

Mr. RUSSELL. I am not surprised.

Mr. BANKHEAD. Yes; it has been decided by the Supreme Court.

Mr. RUSSELL. In the Senator's absence I stated that I have stopped following the decisions of the Supreme Court. One member of that body said the other day that its decisions were like a one-way ticket, good only for a certain day, and that the doctrine of caveat emptor applied. I also stated that a man used to think he needed a good law library in order to practice law, but now he needs to subscribe to a daily newspaper and to have a good radio, in order to keep up with the latest construction of the law by the Supreme Court.

Mr. President, I repeat that the report from which I have been reading, which points out the iniquities and shortcomings of the bill, did not initiate with me; it comes from the Chamber of Commerce of Cleveland, Ohio, a business group in Cleveland.

Now I wish to refer briefly to the situation of the unions in respect to this measure. I wish to refer to a labor union which was not operating in the South, but, as I understand, was operating in California. In that union there was a system of having an auxiliary union for the benefit of one of the minority groups which this bill seeks to undertake to protect. There was no discrimination in the auxiliary unions. It was provided that there should be no discrimination against the members of the union in regard to hire, tenure, or conditions of employment. However, the FEPC which has been in existence, even with its modified powers held that that was discriminatory. They could not prove that one individual worker had been discriminated against in the union, but they decided that discrimination was possible—not that discrimination had occurred, but that discrimination was possible—and they ordered the union to change its form.



Representatives of the union came to Washington and told the Congress that it was impossible for the union to comply with the order of the committee and continue to maintain the organization, that the friction which would result would be calamitous to the welfare of the Negroes, the industry involved, and the public. The union has offered to the Negroes the same facilities as those which are possessed by the white public; but the union was told, "Oh, no; that is discrimination," and it was ordered to desist.

Mr. WHITE. Mr. President, will the Senator yield for a question?

Mr. RUSSELL. I am glad to yield.

Mr. WHITE. I interrupt only because I am obliged to leave the floor for a brief time.

Mr. RUSSELL. I wish to thank the Senator for his faithful attendance.

Mr. WHITE. I should like to obtain the Senator's interpretation of some of the language appearing on page 7, under subparagraph (b). The language to which I refer is—

Whenever it is alleged that any person has engaged in—

The offense at which the act is aimed.

How does the Senator interpret the words "whenever it is alleged"? In other words, by whom must it be alleged? Must it be the person who is affected by the act which is complained of, or may anyone and everyone, with or without an interest in the matter, file such an allegation?

Mr. RUSSELL. Mr. President, I am of the opinion, and I intended to state it before I concluded my discussion, that this misnamed Commission which some persons propose to vest with all the power of the Federal Government, and even the power to discharge the President of the United States, could initiate any movement of its own. If it wished to drive any man out of business, for any purpose on earth, it would have a right to arrest him and badger him and drag him all over the country to kangaroo courts, where the Commission would sit as judge, jury, and prosecutor—all in one.

Mr. WHITE. Let me ask another question. How must the allegation be made? Must it be made in writing? Must it be sworn to? Would a letter be sufficient, or would a telephone call suffice? Ordinarily one would say that when a process might land a man in jail, some of the formalities incident to the initiation of a criminal proceeding would have to be observed. But in the pending measure I do not see any provision regarding the form in which the allegation must be put—whether it must be in writing, whether it must be sworn to, whether it must be sworn to by the party who is suffering because of the alleged offense, or whether it is wide open to anyone.

Mr. RUSSELL. Of course, Mr. President, the point raised by the Senator from Maine, a careful legislator, shows just the trouble we get into here every time the pressure groups rush in with a bill and say it must be passed immediately, and Senators unwittingly commit themselves to all kinds of vicious legislation. Under this bill, as I under-

stand it, the Commission, under the powers which it is supposed we would delegate to them, could say that an anonymous telephone call that Wallace White, a businessman in Maine, was discriminating against a minority group, would be sufficient to require him to submit to investigation by them, and they could send to his place of business one of their horde of examiners, who would be allowed to go through the books of the concern—all on the basis of an anonymous telephone call—to determine whether Wallace White had been guilty of such discrimination. There cannot be any question about that, because the bill is silent as to procedure. We would delegate to the Commission, in addition to granting it such powers, even the right to discharge the President of the United States, as I shall show before I conclude. In express terms we would give the Commission the power to write their own ticket as to procedures, as to method, as to the length to which they might go, without any legislative standard, without any protection whatever of the rights of individuals. Mr. President, this bill marks the day when the Congress of the United States is asked to say that all individual rights in America are perished, are gone—as they will be if we pass such a bill as this.

Mr. WHITE. Mr. President, I should like to ask the Senator another question in respect to the subparagraph to which I have referred.

Mr. RUSSELL. I am glad to yield again.

Mr. WHITE. It provides that any agent or agency, without giving any definition as to who or what the agent or agency shall be—

Shall have power to issue and cause to be served upon such person—

In other words, the person complained of—

a complaint stating the charges in that respect and containing a notice of hearing before the Commission or a member thereof, or before a designated referee, agent, or agency at a place therein fixed—

And so forth. There is no provision in the proposed statute, as I take it, regarding where this initial hearing upon the complaint against an employer shall be held. There is no requirement that it shall be in the place where the alleged offense was committed. There is no provision that it shall be in the jurisdiction or locality in which the complainant lives, or in which the person complained of lives; but, as I see it, again it is wide open, and a man or a business concern in New Jersey against whom a complaint was filed might be called to California for the hearing upon the initial charges. Is that the Senator's interpretation?

Mr. RUSSELL. There can be no question whatever about it. No, Mr. President; when we decided that we would take up this bill—at least, some Members of the Senate hoped they had decided it, and they tried to take it up—we said that not only would we abolish the old Anglo-Saxon idea, which we thought was sound and salutary, of giving a man a jury trial on any charge, even a nebulous charge, which might exist only in the mind of some person, but

the person complained of would also be denied the old right of trial in the vicinage. That old, long-established right would be taken away from him. I invite the attention of the Senator from Maine to the bottom of page 6, section 9. The Senator will find that a person complained of could be taken to one hearing at Salem, Oreg., and subsequently he could be moved for a second hearing to Washington, D. C., and then he could be tried at a third hearing in New Orleans, La., according to this monstrosity, which undertakes to set up Soviet methods, rather than our old Anglo-Saxon, constitutional methods of dealing with those who are charged with being guilty of an offense.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. WHITE. Page 7, paragraph (d), provides for a hearing before the Commission, or before an agent or agency of the Commission, and then it provides as follows:

The Commission shall state its findings of fact and shall issue and cause to be served on such person an order requiring such person to cease and desist—

And so forth. That is a common order and is well-recognized. I think we would all understand what was meant by an order to cease and desist. But the language continues near the top of page 8 as follows:

And to take such affirmative action, including reinstatement or hiring of employees with or without back pay.

Are there any limits provided for anywhere in the bill as to this affirmative action which the Commission may take? Two things are enumerated. The language states, "including reinstatement or hiring of employees," but that language is preceded by the general language "to take such affirmative action \* \* \* as will effectuate the policies of this act." Is it not difficult to think of anything that under this general language would be beyond the power of the Commission?

Does the Senator accord with that view?

Mr. RUSSELL. Mr. President, this bill undertakes to write a blank check to do anything to American business the Commission may see fit. There is no power of which a man could conceive that could be vested in any plenary board which is not vested in this so-called Commission under the terms of this bill. It holds in its hands the matter of life and death of free enterprise in this Nation.

Mr. BANKHEAD. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. BANKHEAD. In paragraph (c) it is provided that any person named in the complaint shall appear for trial. Then in lines 3 and 4—

Mr. RUSSELL. To what page is the Senator referring?

Mr. BANKHEAD. Page 7, the same page to which the Senator from Maine has referred.

Mr. RUSSELL. Yes.

Mr. BANKHEAD. On page 8, in line 4, the language authorizes the taking of such affirmative action as will effectuate

the policies of this act. There is no limitation placed upon the action which may be taken. Whatever the Commission decides to be necessary to effectuate the policies of this act it may do. The Commission has wide-open authority, even going to the extent of capital punishment.

Mr. RUSSELL. I am quite sure that the sponsors of this bill would be willing to give the Commission power of life and death over every citizen of the United States. The bill is replete with methods of sovietism and communism, and I do not think that any protection is afforded under the bill to our form of government.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. EASTLAND. I invite the Senator's attention to page 2 of the bill, section 3, reading as follows:

Sec. 3. (a) It shall be an unfair employment practice for any employer within the scope of this act—

(1) To refuse to hire any person because of such person's race, creed, color, national origin, or ancestry.

Is it the Senator's belief that because of that provision people who are not citizens of the United States are protected by this bill, and that an employer could be prosecuted under the act for refusing to hire one who was not an American citizen?

Mr. RUSSELL. The Senator was called off the floor and was not present when I stated that one of the purposes back of this entire scheme is to create a gigantic employment bureau for the purpose of inviting aliens to our shores and giving them preference of employment over American citizens, including returned veterans.

Mr. President, I wish to proceed with my discussion of the bill, and speak in some detail with respect to the terms of the bill.

I point out first that the bill undertakes to create an entirely new and independent commission. I doubt, Mr. President, whether there is a Member of the Congress, be he Democrat, Republican, or Progressive, who, when returning to his home State and talking to his people, did not complain about the number of bureaus and commissions which had been and were being established in our Government. I know that most of us have conversed with constituents who were irritated by this expanding bureaucracy. Cases were called to our attention, whether we were Republicans, Democrats, or Progressives, which caused us to tell our constituents that we wanted to be able to do something in order to circumscribe the unbridled power of the great bureaucracy which has grown up in Washington.

The platforms of the party of our Republican brethren have inveighed against this great bureaucracy and the creation of new agencies of Government. Yet we find some Republicans supporting this bill, which is designed to create a new superbureaucracy to harass, annoy, and disorganize the American people in an effort to regulate and control their habits and manners of life.

So, Mr. President, in the first place the bill would create a new bureau. Per-

sons who are interested in the passage of this bill are not willing to allow any of the old established agencies of government to take over this monumental police force. They are not willing that any of the old agencies of government which have had experience in dealing with governmental matters and which might exercise some restraint, should undertake to handle the vast powers which the Congress is asked to delegate under this bill. The Labor Department would not be satisfactory; the National Labor Relations Board would not be satisfactory, and the FBI, because it is known to exercise some degree of fairness, would not be satisfactory. The sponsors of the bill would not risk the Department of Justice, which has long been a model agency in looking after the rights of the people of the United States. None of the agencies or departments to which I have referred would be satisfactory to the sponsors of the bill. Why? Because, as I shall show, those agencies or departments might feel constrained to exercise some restraint in using some of the vast powers which would be delegated under the bill, and not aid in communizing and socializing our system of government.

Mr. President, note how carefully the rights of the individual are diverted away from even a speaking acquaintance with the courts. Senators may say what they please, but the American people have some respect for their judicial system. Whether the judge happens to be a Republican or happens to be a Democrat, the people generally respect the United States district courts, and have confidence in their fairness. So, when this monstrosity was devised, to make sure that it should not fail in its nefarious purpose, it was designed deliberately to keep the citizen of the United States out of that forum which we have been wont to consider the refuge of those seeking justice. No justice is wanted, so far as this bill is concerned. Trial by jury is denied. There is no way on earth for any man to get into court. He is tried by a body which observes no rules of evidence. And, if, forsooth, after being harassed and badgered and intimidated by the agents of the Commission, he is found guilty by this perambulatory kangaroo court, which served as his prosecutor and sat upon his case as a juror, then he cannot find any surcease from his difficulties or any respite from his injustices in the United States district court before a jury of his peers.

Mr. President, everyone wants to protect the rights of the minority in this country, but we should be able to do it without striking down and invading all the rights which are inherent in every American citizen, whether he be of the majority or the minority, to resort to the courts, and to have a trial by a jury of his peers in the vicinage where the crime is alleged to have been committed.

So another reason why there is provided an independent agency is to detour deliberately the citizen, who might be clamoring to get into court and to have a trial by jury, from his right to do so. The sponsors of the bill therefore proceed to issue an invitation to all Members of the Congress who have said they were

opposed to increasing the bureaucracy in Washington to vote to create a superbureau, instead of delegating any necessary duties in respect to this question to one of the old and established agencies of the Government.

Mr. President, we come to the title of the bill, to which I have already adverted. So many bills are introduced in Congress that about all that ever gets before the people is the title, and it is a great trick to write a title which will appeal to one who has not studied the bill, or appeal to the people, and the title to the bill before us is a work of art in this respect. This is described as a bill "to prohibit discrimination in employment because of race, creed, color, national origin, or ancestry."

I think almost every person could agree on that—if the title was all there was to it. Of course, it dragoons all liberals into supporting the bill, whether it contains any element of fairness in itself or not, because, as I have said, everyone is in favor of fairness.

I wish to show, however, Mr. President, that in the campaign of misrepresentation which has been waged about the bill, I have seen articles which stated that the purpose of the proposed legislation was merely to carry on the present Fair Employment Practice Commission, which was created by Executive order. There never was a more misleading and untruthful statement than that, yet I have seen it in the press reports of some of the great press associations. There is no comparison between the powers which are granted by the bill before us and the powers which are exercised by the present so-called Fair Employment Practice Commission. The present Commission deals only with agencies of the Federal Government, the Federal departments, and those who do business with the Federal Government, enter into contracts with the Federal Government.

Oh, they did, in their grasp for power—as there will be a grasping for further power if we ever enact such a foolish measure as the one now pending—reach out and try to assume powers they did not have. They told newspaper owners they were going to cite them to the President if the newspapers printed an advertisement stating that an employer wanted a white man or a colored man to work for him. They threatened some labor unions which did not conform exactly to what the FEPC crowd, created by Executive order, thought should be done. But they had no real power except to deny contracts to people who did not agree to subject themselves to their jurisdiction. There was no way by which a man could be put in jail for not carrying out what they said. But under the bill we are now considering, the Commission proposed to be set up could put in jail every man who employs more than six persons if he did not make his employment practices subject absolutely to the Commission. They could put a man in jail and fine him \$5,000 if he resisted or impeded or interfered with an examination of his books and records without any warrant or authority of law on the part of the FEPC examiner. The bill is the greatest delegation of power the Congress has ever been asked to make.



I have studied the bill, I have read it a number of times, and I have prepared an amendment which I intend to offer to the caption of the bill if the time should ever come in the future when it would be proper to consider amendments to the bill. I should be willing to leave it to any fair-minded group of men, not swayed or biased, to determine which one of these captions better described the bill, whether it is a bill "to prohibit discrimination in employment because of race, creed, color, national origin, or ancestry," as the proponents say in their catch-phrase title, or whether it should be—and I shall read my proposed title—a bill "to regulate and control the tastes, customs, habits, and manners of life of the American people; to establish an independent agency to dominate the executive branch of the Government, and to influence all policies of the Government, whether foreign or domestic; to invite alien immigrants and assure them of employment to the detriment of the right of native-born Americans to work; to nationalize all employment in industry, business, agriculture, and commerce; and to promote a Communistic form of government for the United States."

Mr. President, I am willing to leave it to the discriminating—of course, a man should not utter the word "discriminating," I suppose, any longer. When I was a boy one of my old-fashioned aunts, who had helped raise a large family on a Georgia farm, used to say that it was a very fine thing to be discriminating in one's tastes; but some Senators are undertaking to repeal that by operation of law. When I said I was willing to leave it to the discriminating, I meant one who was willing to study and analyze the bill. I would be willing to leave it to the discriminating to say whether or not the title I have devised would not eventually be more descriptive of what would happen in this country if the bill were to be enacted, than the misleading label that is now attached to it.

Mr. President, let us now consider the bill. It has become a custom not only to write an attractive title in order to generate public support and to catch the unwary in Congress, but to precede a bill by a high-sounding finding or declaration of policy. This bill, to be in tune with the modern day, undertakes to set forth a finding, a declaration of policy. I shall read it. This is what we are finding as a fact when we vote for the bill, what we are finding to be a fact:

The Congress finds that the practice of denying employment opportunities to, and discriminating in employment against, properly qualified persons by reason of their race, creed, color, national origin, or ancestry, foments domestic strife and unrest.

O, Mr. President, we are living in a time when there is more unfortunate domestic strife and unrest than we have ever before known. Yet the Congress of the United States is chained to this bill by the demand that it find that that domestic unrest is fomented because of discrimination in employment. Every sane man in the Nation knows that today with practically 2,000,000 persons out on strike, with the picket lines spreading

around industrial plants, there is not a single bit of domestic unrest and strife which can be attributed to such a cause. Yet the supporters of this bill say, "We are not even going to let you introduce a bill which deals with the real causes of domestic strife and unrest." If a committee of this body wants to report such a bill to the floor there is objection made, the bill cannot be considered, "because we have declared in our findings and declaration of policy that all the strikes and all the troubles everywhere, all the ills that beset the body politic, will be cured if we simply pass this bill to prevent discrimination in employment."

Mr. President, there has never been more arrant poppycock. The Senate of the United States has never found itself in a more ridiculous or a more unenviable position than it does by undertaking to write into law such findings or declaration of policy as that, at a time when the whole structure of our country seems to be tumbling down from other causes. Yet we are rendered powerless to approach and deal with them. We cannot even introduce a bill with respect to them. We cannot even have reported to the Senate committee findings with respect to the causes.

I say, Mr. President, that the fiction in this declaration of policy is symbolic of all the provisions of this bill and of its title. They are all just as fictitious, they are all just as false, they are all just as ill-founded as the contention that this bill is aimed at the domestic strife and unrest that is all but destroying the economy of the Nation in this critical reconversion period.

Mr. President, the sponsors of this proposed legislation find—and they would have Senators vote for it to the exclusion of every other matter, even to the point of preventing discussion by those of us who wish to point out its fallacies—"that the practice of denying employment opportunities \* \* \* deprives the United States of the fullest utilization of its capacities for production."

That is an amazing finding to make at this period. To the exclusion of any other legislation that the Congress might enact, they find, Mr. President, that it "endangers the national security." Although 18 of 20 legislatures which have considered a similar bill have defeated such a bill, including the States of the principal sponsors, the Senators from Minnesota and New Mexico, the sponsors of the bill find that the national security is endangered unless we make this bill paramount to any other legislation that the Congress can possibly consider and stall all the wheels and machinery of government to enforce such a declaration of policy.

They find that discrimination "endangers the general welfare, and adversely affects commerce." Of course, Mr. President, as the Senator from North Carolina [Mr. BAILEY] pointed out yesterday—he did not say it in these words, but this was the intent of it—it was a distortion of the commerce clause of the Constitution to attempt to get some little scintilla of constitutionality into this measure, and until we came to this day of boards that can deny people the right

of a jury trial, boards that can haul a man anywhere in the land to try him, no person would have ever insisted that the commerce clause could be attached to such a far-fetched thing as that.

Mr. President, are these findings and declaration of policy true? Are all the evils which beset the Nation today due to discrimination in employment on account of race, creed, or national ancestry? I am perfectly willing to leave that to the conscience of any Member of the Senate whose conscience has not been deadened or immunized by surrender in the past.

Mr. President, of course that statement is not true. We talk about the general welfare and increase in production. What made us the greatest industrial Nation the world has ever seen? Was it the fact that there existed authority for a board to intrude itself and operate a man's business?

Mr. President, the great enterprises of this Nation today were not always great enterprises. We look today at United States Steel, employing hundreds of thousands of individuals, but United States Steel does not represent all of American business, and all of American enterprise. Real American enterprise and business is found in the hundreds of small plants and small places of business. The statement is made that we cannot exist without United States Steel, and perhaps that is true. But certainly United States Steel cannot exist unless these thousands of little outlets are available to them.

What is it, Mr. President, that stimulates production in this country? We are asked here now to vote for a declaration of policy which says that there cannot be full production unless this bill to regiment industry is passed. That is what we have to vote for under this declaration of policy. That is solemnly asserted, and every Senator who votes for the bill will assert on his responsibility that he thinks the thing which is threatening increased production in this country is the failure to have an FEPC such as is provided in the pending bill.

Mr. President, what built up this country? There were two things that built it up and gave us this great industrial empire. One of them was the profit motive, the desire of a man to earn money, the desire of a man to go into business, to succeed, and to improve his condition and lot in life. He went into business under the old idea that if he was able to build his business from a small enterprise to a large one he would have the property right in his property to select those who were to manage his business. This bill strikes that down, as I shall show before I conclude. Under this bill he would not have an unfettered right of selecting the man in whose loyalty he could repose trust. Previously he went into business with the idea that if he was a better judge of a man's capacity than was his competitor, he could get ahead of his competitor by selecting abler men to do his work and to conduct his business for him. This bill strikes down that part of the profit motive. Under it an employer cannot employ a man whom he thinks is the best man if, forsooth, there is another man whom the

FEPC thinks is as good, who happens to belong to one of the minority groups which are pressuring this bill. Of course, that cannot help but result in nationalizing all jobs in every line of business, on the farm, in the beauty shop, in the steam-boiler plant, in the shipyard, in the corner grocery store. It nationalizes all employment in every business that hires more than six individuals. A man cannot have a profit if he cannot conduct his business and say who is to do his work and who is to operate his business for him.

There is another thing, Mr. President, that has helped to develop the great industrial establishments of this Nation. Down through the years it has caused our people to enjoy a higher standard of living and greater opportunity for all, majority, and minority, individuals of different races and creeds, than any other people under the heavens enjoy. Mr. President, we can talk about opportunities and discriminations where minorities are concerned, but it is an amazing thing that all those minorities want to get into this country and be discriminated against. I should like to see anyone talk one of them into indignation over his discrimination to the extent that he would be willing to leave this country now. That is simply a fiction; it is simply a figment of the imagination; it is simply a vote trap.

Mr. President, as I have said, there is another thing that has made this a great country industrially and from a business standpoint, and that is the desire of a man to found a business for his son, to be able to give employment to his relatives, to be able to give employment to his neighbors, to be able to give employment to, forsooth—I merely mention it in a whisper—to be able to give employment even to the members of his church. Yet, if this bill should pass, the man with the aim in mind of establishing a business for his son, a business where his relatives and his neighbors could find employment, who would start a small plant, a small store, or other small business enterprise would do so in the mistaken belief that he had a right as an American citizen to show favoritism to those in his family or those in his neighborhood or those with whom he was intimately associated in the everyday aspects of life. Many of the industrial giants of this Nation grew from just such humble beginnings. A man would start a business to take care of his own and those around him. Through their ability and capacity, and the fact that they were congenial and could work together and understand one another in the management and enterprise of the business, the business would succeed, grow, and prosper.

Those who are most earnestly advocating the bill would say, "Of course, that is a mistake. A man ought not to be able to own an enterprise. It ought all to be owned and controlled by the Government of the United States."

As I stated a few moments ago, I do not say that everyone supporting the bill is a Communist or Socialist, but I do assert that every Communist and every Socialist is supporting the bill with every power at his command. It is said that it is a mistake for a man to start a busi-

ness for his son or to employ his relatives. If we pass this bill he will not have that incentive. We will cripple the profit motive, because the Government will tell him who is to operate his enterprise. Certainly he will start no business for the employment of the members of his community, the members of his church, or even the members of his family, if a board created by the Federal Government can come into his business and say to him, "You cannot promote this boy because he is your nephew. You do not have that right under the law." If a man has in his employ an alien, or a member of one of the described minority groups who thinks he should have the promotion, such a person can file a complaint and hale him before the board. The employer has his hands tied. He will be told, "You cannot promote that man because he is your nephew, and you are discriminating against an alien, or a member of some minority group."

How long will we be able to keep America the great industrial empire that it is? If we pass such a fool bill as this, which puts an employer in such a hole, how long will we be able to keep alive the ambition of our people to start enterprises of their own which they can handle as they see fit, for the benefit of their own families, their own neighbors, or the members of their own church?

There can be no doubt that the bill is designed to say to the employer, "If you do not hire or keep this member of a minority group you will be haled before the Commission, where you will have no chance on earth." What is he going to do? Suppose a man is operating a small plant with 40 employees, and 10 of the 40 are members of a minority group. If he should decide to lay off 10 employees, or was compelled to do so because of the vicissitudes of business, what would he do? Does anyone believe that he would lay off a single member of a minority group? Oh, no. Why? He would immediately have both hands tied behind him and a seal put over his mouth. He would be hauled as far as any of the little inspectors of the Commission might desire, to be tried in a kangaroo court, where there were no rules of evidence. He would be put to great expense. He might be bankrupted defending the case; and if he lost it, as he probably would before so prejudiced a body, with the court serving as prosecutor and having an interest in winning the case, he would have to pay out perhaps a year's or 2 year's back pay and restore the employee to his job. If the employer escaped being put in jail, he would certainly be harassed, embarrassed, and annoyed by an investigation, to say the least, if he did not retain all those who proposed to have protection under such a law.

Mr. President, section 2 of the bill is a declaration of this policy which undertakes in a backhanded manner which I have never understood to create an immunity relating to the right to work. The Senator from North Carolina [Mr. BAILEY] discussed that question yesterday. However, I wish to read the section, because I shall refer to it in showing its narrowness, and how the bill, which is claimed to be an antidiscrimi-

nation bill, is in reality most discriminatory in all its terms. I read section 2:

SEC. 2. The right to work and to seek work without discrimination because of race, creed, color, national origin, or ancestry is declared to be an immunity, of all citizens of the United States, which shall not be abridged by any State or by an instrumentality or creature of the United States or of any State.

I am sure that the Senator from Mississippi [Mr. EASTLAND], judging by the question which he asked me a few minutes ago, caught the fact that in the entire bill the only place where the rights of a citizen are mentioned are in this statement. The bill, of course, is primarily intended to take care of the alien. But when it comes to the right to freedom from discrimination, when it undertakes to establish an immunity, it refers to citizens of the United States. I have studied the bill with some intensity and effort to try to find out just why that was true. I have been unable to reach any definite conclusion, except that this clause undertakes to apply to the States. It provides that the States shall not discriminate, and no subdivisions of the States shall discriminate. Some of the States, notably California, have laws which prevent aliens from working for the State. When I saw that the Senator from California [Mr. DOWNEY] was one of the authors of the bill, I assumed that he brought the citizen in at this place in order to protect the State law in California. This provision also would probably protect the State laws in several other States, which are similar to certain Federal laws which the bill proposes to repeal. There are Federal laws to the effect that aliens may not be employed on certain work. The bill, by its express terms, would repeal such laws; but I assume that it was decided at least to protect the State laws against employment of aliens by the States. However it may give a right to one to sue the States if he is a citizen.

In this day of world citizenship some of the States are still so narrow as to try to give a little consideration in employment to their own citizens ahead of the outsider. I do not disagree with that theory, because I am not an advocate of world citizenship. I believe that I have about as much compassion for suffering humanity all over the world as has anyone else. I never shall forget how I felt when I went into Germany last summer. I did not believe that there could be any conceivable circumstances under which I would feel the slightest pity for any German or person of German blood who was a part of wartime Germany. I thought that my heart and mind were steel against it. But, Mr. President, when I went through the wreckage which had been the cities of Germany and saw the old, the lame, the halt, and the little children—because they were all that were left—I could feel only compassion for them. I feel sorry for them to this hour. If it were within my power to help them as human beings, I would do so, despite the feeling which I have against the forces in Germany which set out to destroy civilization.

So, Mr. President, I have compassion for the peoples of the world; but I cannot go along as fast as do some of my



colleagues. I have not yet adopted the philosophy which is being taught everywhere, that a man is proud of his country when he has nothing else to be proud of. That is becoming a common statement in this day of new thought: "A man is proud of his country when he has nothing else to be proud of." I must be in that position, Mr. President, because I am proud of my country. I am for my people first. I am not primarily a citizen of the world. I do not like to go as far as this bill goes, and I shall not go that far by my vote. I will not say, "Bring in all the suffering, teeming millions of the earth, wherever they be. We have established an agency to see that they get jobs in this country, even if it is to the detriment of the plain, everyday, garden-variety American citizen who cannot associate himself with a minority." I cannot go that far; so I must plead guilty to the charge of narrowness being hurled at those of us who are opposing this bill because we believe that the native-born American citizen is still entitled to some little consideration ahead of the alien immigrant.

Mr. President, I wish to refer to one other matter. We are told that discrimination in employment will destroy the country, and we are asked to vote for the bill so the country may not be destroyed. We are told, furthermore, that the national security will be endangered unless we pass this bill and make these findings, and according to the sponsors of the bill, prevent discrimination in employment.

Of course, Mr. President, to say that this bill deals with all discrimination in employment is merely another fraud on its face; there cannot be any question about that. Where is the discrimination in employment in this country? For every one person in the classes which the bill seeks to protect, there are at least 4 persons who are being discriminated against in employment because of the fact that they are not members of a certain labor union and do not choose to join a certain labor union. Oh, the bill is silent as to that. But an ordinary, everyday, garden variety of gentle American who does not wish to join a labor union is afforded not the slightest protection whatever by the terms of this bill. He can be discriminated against as long and as much as anyone may desire; indeed he cannot secure any employment without being a member of a labor union. But this bill does not do one thing in his behalf.

Mr. President, sometimes, when I consider this bill, a major abortion, as I believe it will be, if enacted, when I consider that it has been brought forward at a time when it can have no other effect than to tie up the machinery of the Congress of the United States at this critical hour in our national life, and when it is claimed that there is discrimination in employment, when there is not the courage in some quarters to face the facts and recognize the place where the real discrimination exists, I wonder if this is still America. That is the truth about the situation. No votes are obtained by talking about not discriminating against a man because he is not a member of a labor

union. A few of the minority votes may be garnered, but they cost all the majority votes. But under this bill all the minority votes would be obtained, and the majority are not supposed to know what is happening to them in the case of a bill such as this.

At any rate, Mr. President, the bill fails to deal with the case of labor unions and closed shops, where discrimination in employment exists. I say it is almost a fraud on its face to give us a bill which seeks to regulate discrimination in employment and to call it a fair employment practice bill, when it does not even deal with a question as far-reaching and as sweeping as the discrimination which has been practiced against hundreds of thousands of American citizens because they have not been members of a certain labor union. If this bill ever reaches the amendment stage—although I do not think it will—certainly there will be offered an amendment, and there will be a record vote on it, as to whether Senators wish to deal with only the minor part of the discrimination in employment.

Mr. President, there is another place where there is discrimination, and grave discrimination, in employment; but this bill does not face that question at all or deal with it, because the discrimination is confined to only the ordinary, everyday, garden variety of American citizens who are not fortunate enough to be able to associate themselves with some minority groups. I refer, Mr. President, to the discrimination in employment which everyone recognizes is had on account of sex—discrimination against women in employment. Just an ordinary, everyday, garden variety of American woman can be discharged at will, and she will be if this bill is passed, and she will have no rights on earth. She cannot go to any commission. She has no recourse anywhere. She can see her job taken by a member of one of these minority groups, even if she has five minor children who are dependent upon her. She has utterly no rights. What will happen under this bill when we get down to the necessity of laying off a few people and when we are confronted with the cases of some employed women who have no rights under these kangaroo courts and when the employers are faced with the applications of some persons who would be able to cost the employers a great deal of money under the powers proposed to be granted by the bill? What would an employer do? He would do just what you would do if you were in his place, Mr. President. He would lay off the persons who have no minority rights. That is what would happen under this bill. So, Mr. President, when we are asked to deal with this situation in which it is said there is such great discrimination in employment, we find this second category of persons which the authors of the bill have not been able to see, because they cannot see the forest for the trees.

Mr. President, do not think that the women will not be able to find out about it. As evidence of that, I hold in my hand a letter coming from the National Advisory Council of the National Woman's Party. I wish to state that, so far

as I know, the letter was not written by a southern Democrat. I do not know the lady who wrote the letter, but she is chairman of the National Advisory Council of the National Woman's Party, with headquarters here in Washington. I do not know a great deal about the organization. I know some of the members of its council by reputation. One of them is Emily Dunning Barringer, M. D., who is past president of the American Medical Women's Association. Another member of the council is Katherine Devereux Blake. Other members are: Elizabeth Pickett Chevalier, author; Mary Merritt Crawford, M. D.; Lavinia L. Dock, nurse emeritus, Henry Street Settlement; Anna W. Goodrich, dean emeritus, Yale School of Nursing; Katherine Houghton Hepburn, social reformer—who has also attained no little distinction in the field of the theater and on the stage; Malvina Hoffman, sculptor; Fannie Hurst, author; Inez Haynes Irwin, author; and also on the council are a number of other well-known women, including Gladys Swarthout, of the Metropolitan Opera Co., and Margaret Sanger. A number of distinguished women are members of this council. I do not care to take time to read all the names. The junior Senator from Minnesota [Mr. BALL] is off the floor at this time, and so I shall ask unanimous consent to have the entire list of names of the members of the National Advisory Council of the National Woman's Party printed at this point in the RECORD as a part of my remarks.

There being no objection, the list of members of the National Advisory Council of the National Woman's Party was ordered to be printed in the RECORD, as follows:

#### MEMBERS

Emily Dunning Barringer, M. D., past president of American Medical Women's Association.  
Katherine Devereux Blake.  
Elizabeth Pickett Chevalier, author.  
Mary Merritt Crawford, M. D.,  
Lavinia L. Dock, nurse emeritus, Henry Street Settlement.  
Anna W. Goodrich, dean emeritus, Yale School of Nursing.  
Katherine Houghton Hepburn, social reformer.  
Malvina Hoffman, sculptor.  
Fannie Hurst, author.  
Inez Haynes Irwin, author.  
Lee Allison Johnston, M. D., president of American Medical Women's Association.  
Elizabeth Thatcher Kent.  
Ethel Traphagan Leigh, head of Traphagan School of Fashion.  
Catharine Macfarlane, M. D., vice president, Medical Women's International Association.  
Georgia O'Keefe, artist.  
Mary Philbrook, lawyer.  
Lena Madesin Phillips, LL. D., president of International Federation of Business and Professional Women.  
Mary Pickford, actress and producer.  
Helena T. Ratterman, M. D., past president of American Medical Women's Association.  
Mrs. Ogden Reid, vice president of the New York Herald Tribune.  
Elizabeth Selden Rogers.  
Marion Margery Scranton, Pennsylvania member, Republican National Committee.  
Margaret Sanger, social reformer.  
Gladys Swarthout, of Metropolitan Opera Co.  
Mary Church Terrell, president emeritus, National Association of Colored Women.

Joseph Newcomb Whitney, past president of Connecticut Housewives League.

Dr. Mary E. Wooley, president emeritus, Mount Holyoke College.

Nora Stanton Barney, architect and civil engineer, chairman.

Mr. RUSSELL. Mr. President, the women whose names I have read are some of the members of the group of women whose chairman has sent me the letter to which I am referring. I shall read what is contained in the letter, a form letter which I assume was sent to all Senators. Perhaps it was sent only to me; but if it was, I am highly flattered, because certainly it struck a responsive chord. Here is what they say about this bill, the authors of which say is so important in order to abolish discrimination in employment.

MY DEAR SENATOR RUSSELL: We wish to call your attention to the so-called Wagner-Scanlon antidiscrimination bill—

Mr. President, I shall have to interpolate at this point that the authorship of the bill has changed from time to time. Members of the two bodies of Congress have vied with each other in their desire to have their names added as authors of the bill, and therefore the authorship of the bill has been changed, and so we shall have to correct that part of the letter by saying that they are writing in respect to the Chavez-Downey-Wagner-Murray-Capper-Langer-Aiken bill.

Mr. President, as I was saying, the writer of the letter states that they wish to call our attention to the—

antidiscrimination bill which outlaws discrimination—

Mr. President, I hope Senators will hear this. If they do not hear it now, they will hear about it soon after they vote for any such bill as this measure which undertakes to outlaw discrimination against some persons, without undertaking to outlaw discrimination against the white women of America.

As I have said, the bill calls our attention to the so-called—

antidiscrimination bill which outlaws discrimination on account of race, color, creed, or religion, but invites, by implication, discrimination on account of sex, as it will continue to be legal to so discriminate. We believe in equal opportunity for all, but not in presenting the colored race and the Jewish race and every other race a right that is denied to white women.

Mr. President, if I were making that statement on my own, I know some Senators would say, "There is a southern Democrat bringing up the racial question." However, I am now reading what the distinguished women of the medical world, literary world, stage, and screen state when they analyze this bill which is presented to us as a great panacea in respect to discrimination in employment. I continue to read from their letter:

If this bill becomes law, white women will be the only citizens in the country to whom redress in the courts is denied on grounds of discrimination.

I do not dignify them by calling these star-chamber tribunals a court.

The letter continues, as follows:

Under the New York antidiscrimination bill, backed by the CIO and colored and Jewish organizations, the court can fine an employer \$500 or commit him to jail for 1 year

if he dares, for instance, to lay off a young colored or Jewish bachelor and retain a white woman with five children, or to lay off a colored or Jewish woman and retain a white woman.

There is no question about that; that is exactly what would happen under the bill. A white woman with five children would be laid off because she would have no rights before such a kangaroo court. An employer would not involve himself in a great deal of trouble with a Jewish or Negro bachelor, even though he had no family responsibilities, by firing him and then being confronted with a charge of discrimination.

Mr. President, these ladies give us this advice:

The so-called antidiscrimination bill should be either amended to include the word "sex"—

If we ever get to amendments I will offer such an amendment—

or its passage should be postponed.

I shall also endeavor to postpone the passage of this bill. So, Mr. President, this is one time when ladies have written to Senators that they are in accord with their views. I do not know the signer of the letter, who appears to be a very distinguished woman. Her name is Nora Stanton Barney, who is evidently a very noted architect and civil engineer.

Mr. President, the country is bogged down in industrial strife, and confusion is running rampant. Apparently the best bill which could be brought into the Senate is the so-called antidiscrimination bill now before us, which covers but a small fraction of the real genuine discriminations which exist in connection with employment, discriminations which bring about heartaches and sufferings to many persons. Not only, Mr. President, does the bill not bring them relief, but in the very nature of things, when considering the question of lay-offs, it discriminates against women who do not belong to minority groups. Yes, Mr. President; of course, we will always have some lay-offs. It is all right to tie up the business of the Senate in order to defeat consideration of legislation dealing with strikes. The business of the Senate can be tied up, and by objecting to the consideration of reports and the introduction of bills, assurance may be had that no legislation will be considered. But we all know that such tactics will result in continually defeating legislation which should be considered in connection with the present industrial situation now existing throughout the country.

Mr. President, I have stated the position which we find ourselves in every time any of these pressure groups get a whiphand and go running around, working both sides of the street, and getting Senators to bid against each other for votes. Many newspapers and radio commentators in the United States have charged over the radio and through the columns of the press that something is blocking this bill which is designed to bring about fairness in employment. Mr. President, so far as I am concerned, I shall not relent in my efforts to continue to point out that this monstrosity in the form of the bill which is now before the Senate is most unfair to those

who are least able to defend themselves against it.

The discriminations which have been pointed out are not the only discriminations which are practiced. There are other discriminations which are much more widespread than anything which this bill undertakes to correct. Up until the time of the manpower shortage there was very great discrimination exercised in employment against those who were more than 40 years of age. Everyone knows it. It is common knowledge.

Last week I read an article in a newspaper. I wish I had saved it, but I recall it distinctly. The article stated that the discrimination to which I refer was creeping into employment during the reconversion period. The article stated that those who were past 35 years of age were being discriminated against. I had understood that the discrimination was practiced chiefly against those who were 40 years of age. There is not a word in this bill concerning such discrimination. A man may be past 40 years of age. He may be a man who is just an ordinary, everyday garden variety of gentle American. He may go to some industry, store, or plant, which employs more than six persons, and say that he wants a job. He may say, "I see you have a vacancy." The employer can tell him, "I will not hire you because you are past 40 years of age. I will not take anyone into this business who is more than 40 years of age." The man who is looking for employment may reply, "Well, I can do the work." The employer may say, "Oh, I know you can do the work. There is no question about that. You are well qualified in every respect, but I will not hire you because I do not want to go to the trouble of training a man of your age for the work here which you would have to perform. I employ only men who are under 30 years of age." Mr. President, that man who is seeking employment has no rights whatever under this bill unless he happens to be a member of one of these minority groups. The situation is an example of so-called nondiscrimination.

Let us take another example. An American citizen, ordinary Bill Jones, who is past 40 years of age, walks into a place of employment with either a Negro or a Jew, both of whom are 40 years of age. If the ordinary American is told that he will not be hired because he is 40 years of age, he has no recourse on earth. However, if the other person is told the same he may say, "Well, you know I can do the work, don't you?" The employer says, "Yes; just as this other man can do the work." The reply may be, "Well, I will take you before the Fair Employment Practice Commission because you are discriminating against me on account of my creed or my color."

Mr. President, the first of those men could be a soldier who had returned from the front after having fought in the muck or mire of Normandy or Okinawa. If he were past 40 years of age and were refused employment on that account, he would have no recourse. He could go into a plant with a Communist who is 40 years of age. The Communist could get before this Commission and demand that he be hired because of being a



member of the minority group. That man might believe in overthrowing this Government by force and violence, or he might be an alien, but nevertheless he would have rights under this bill which would be denied the ordinary everyday average American citizen who could not get into the courts, and who would have nothing against him except his age.

So, Mr. President this is a bill which attempts to deal with discrimination in employment without affording to all people the same right which the bill affords to aliens, Communists, and members of minority groups to go to this kangaroo court. When the time comes I shall offer an amendment that a man may not be discriminated against in employment because of his age.

Mr. President, what I have stated shows what happens when we deal with a subject such as this. As I have said, we are all minorities in this country. When, by virtue of a statute, we try to give one minority preference over another, we run into trouble every time in a democracy such as ours.

Mr. President, here is section 3 of the bill. Here is where we get to the heart of the bill:

Sec. 3. (a) It shall be an unfair employment practice for any employer within the scope of this act—

(1) to refuse to hire any person because of such person's race, creed, color, national origin, or ancestry;

(2) to discharge any person from employment because of such person's race, creed, color, national origin, or ancestry.

Of course, Mr. President, that language speaks for itself. First, it says that it applies to a person, and therefore it is made to apply to aliens. The word "person," by any number of judicial decisions, applies to all human beings. This bill would repeal any law which may be in effect at the present time limiting employment of aliens by the Government. As I stated a few moments ago, I do not think I have any greater prejudice against the alien than has the average American. I do not view him in the light of the present-day liberals who say that the alien is entitled to every right and benefit of an American citizen and, as this bill provides, is entitled to rights and benefits which are denied to American citizens. I do not go that far, but I do not think we are going to solve the alien question, or all the questions in the world, by bringing the aliens into this country. I must plead guilty to having one of those old-fashioned minds which many people would call narrow, very much opposed to any increase of immigration to this country.

Mr. HICKENLOOPER. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield for a question.

Mr. HICKENLOOPER. In connection with the paragraph just read by the Senator I should like to have him give his interpretation, if he will, of this question as the bill is written. Suppose a man of an announced communistic belief, communistic faith, applied for a job. Suppose that a year or so passes and a Nazi, of avowed Nazi philosophy, applies for a job. What is the Senator's interpretation as to whether or not the provisions of the bill could be enforced upon failure

of an employer to employ such persons based upon those reasons?

Mr. RUSSELL. I will say to the Senator from Iowa that I appreciate the question, and I think this is a perfectly fair statement, under the terms of the bill. If Adolf Hitler could in some way secure immunity for his war crimes and be brought into this country tomorrow, the fact that he was a Nazi could not be held against him, under the bill. He would have a right to hale an employer before the board, if the employer held against him the fact that he was a Nazi, and he would get a job as a paperhanger, and keep some returning American soldier who wanted to be a paperhanger from getting the job, and the returning American soldier would not have the slightest right on earth to go before this perambulatory kangaroo court and seek relief that would be afforded Adolf Hitler if he got into this country.

Mr. HICKENLOOPER. Will the Senator yield for a further question?

Mr. RUSSELL. I yield.

Mr. HICKENLOOPER. Then is it the Senator's interpretation that if a factory employment agency had employment opportunities, and 50 or a hundred avowed and known Communists applied for employment in the factory, the factory employment agency would be bound, under the bill as it is now written, to hire them, or suffer the penalties provided under the bill?

Mr. RUSSELL. If the fact that they were Communists, or members of a Nazi band, or were Hitler or members of his immediate staff coming into this country from Germany, were the only reason they had for not employing them, they would have rights under the bill, they could go to this board, if they were excluded from employment solely for that reason, a right which the ordinary, everyday, garden variety of American does not possess.

Mr. BALL. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. I yield for a question.

Mr. BALL. I am wondering under what kind of a definition the Senator would cover political affiliations under the words "race, creed, color, national origin, or ancestry."

Mr. RUSSELL. The Senator from Minnesota is a scholar. The word "creed" comes from the Latin word "credo," which means "I believe." It is not confined to any religious faith; it applies to any minority political party, or to a Democrat or to a Republican. I am surprised the Senator does not know that the word was put in here to protect Communists and to secure them employment. There cannot be any question about it. The word "creed" does not refer to religion. It is commonly applied to religion, because the ritual of church started out "credo," meaning "I believe," and some use it as referring to religion. But the word "creed" refers to any belief a man might have. There is no question about it.

Mr. BANKHEAD. Mr. President, has the Senator any information about who drew this bill?

Mr. RUSSELL. I should like to know who did actually draft the bill in all its details, because it is the most skillfully

drawn bill, to accomplish more and look as if it does less, than has ever been before the American Congress.

Mr. CHAVEZ. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from New Mexico?

Mr. RUSSELL. I yield.

Mr. CHAVEZ. I, in part, take a little credit for writing the bill, and certainly the Senator would not accuse me, a Roman Catholic, possibly not very well liked in certain quarters, of being for Hitler or being for anything communistic. I might tolerate the Communists, but I do not like communism.

Mr. RUSSELL. Mr. President, I certainly do not wish to say anything that would offend the Senator from New Mexico, but I know as a practical matter that the Senator did not draft this bill, because this bill, in substantially the same form, had been in this body under different sponsorship before the Senator from New Mexico put his name to the bill and introduced it here. It has been here in substantially the same form. Let us be frank about this.

Mr. CHAVEZ. Let us be frank about it.

Mr. RUSSELL. I want to be.

Mr. CHAVEZ. It was sponsored by Republicans and Democrats, by the Senator from Kansas [Mr. CAPPER], who cannot be accused of being a Communist; it was sponsored partly by the Senator from California [Mr. DOWNEY], a Democrat, who, I believe, is not a Communist.

Mr. RUSSELL. Mr. President, I was not talking about the Senate sponsor of the bill; I was talking about the effect of the bill, and its authorship.

Mr. CHAVEZ. When we say "creed" we mean religion.

Mr. RUSSELL. Then the word should be so defined.

Mr. CHAVEZ. When we say "persons" we mean Americans.

Mr. RUSSELL. O, Mr. President, there are a hundred decisions of the Supreme Court of the United States which say that "person" means an alien, and aliens are entitled to every benefit under the bill. I am amazed that the Senator from New Mexico, an able lawyer, does not know that. I could read decisions here for hours to that effect.

Mr. CHAVEZ. The Senator may be against that, and if that is the only thing he has against the bill, let us qualify it. We are trying to pass an American bill.

Mr. RUSSELL. The Senator is trying to pass this bill, and I am pointing out wherein it is not an American bill. I am referring to all the bunkum that has been practiced over this bill, in bringing in such a monumental monstrosity, subversive of all American life, when it is not an American bill, but it is designed to help all those who are un-American. I am not complaining at the Senator, or criticizing him, but the Senator knows the bill has been written and introduced under different names before he got hold of it. It has been in the House and in the Senate.

Mr. CHAVEZ. Of course it has.

Mr. RUSSELL. I quit the Senator of any desire to overthrow the Government, or to encourage Communists;

nevertheless, the bill has that effect—this bill we are being pilloried for resisting.

Mr. CHAVEZ. I presume there have been fair employment practice bills here before.

Mr. RUSSELL. Practically like this. There is no difference between them.

Mr. CHAVEZ. Like any class of legislation which comes before this body, tax legislation, military legislation. Every bill is different. The wording might be different.

Mr. RUSSELL. It is identical, but it is different. That is what the Senator says. Very well. There never has been any such bill here, because it applies to aliens, and I assert that whoever wrote this bill deliberately intended to use the word "citizen" when it did not make any difference, but when it got down to the man people had to employ, they used the word "persons." It is abundantly established under decisions of our courts, that the word "person" applies to aliens within our jurisdiction. I think it would apply whether a man was here legally or not. I am sure it would. He would be a person. The word "person" means every human being, and that is what I am objecting to.

Oh, yes, pillory people for wanting to oppose the bill, for insisting that it stay before the Senate until the country understands it. Get on the radio all the left-wing commentators talking about "those infernal southern Democrats" tying up the Senate, when we are not at all responsible. When a bill like this is brought in, which proposes to create a monumental employment agency and invite all the aliens to our shores to take over jobs which I, for one, think should be held by Americans, that at least they should have priority, I will fight it. Men may talk about that fight on the radio and inveigh against it in the press, but I will not be deterred in the slightest in my opposition.

Mr. FULBRIGHT. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. I yield for a question.

Mr. FULBRIGHT. How does the Senator think it would be possible for the Board or Commission to determine the motive behind the employment of a particular person or the discharge of a person? Is that susceptible of proof?

Mr. RUSSELL. Of course it is not. The bill is not intended to settle anything by proof. When there are no rules of evidence, when they can convict a man on hearsay evidence, when they can deny him a jury trial, when they can remove him from his vicinage, in violation of a right he had under our old Anglo-Saxon jurisprudence, it is not intended to give him a chance in court. It is not intended to be susceptible of proof. The bill was not written with that purpose in mind. It was the purpose to intimidate everybody in this country into giving priorities in employment, in layoffs, and in promotions, to the minority groups, including Communists and aliens.

Mr. EASTLAND. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. I yield.

Mr. EASTLAND. Does the Senator think that at a hearing the accused

would even have to be confronted with the witnesses against him?

Mr. RUSSELL. I do not think so. They would have no rules of procedure at all.

A few minutes ago the Senator from New Mexico said something about the fact that he was a Roman Catholic. I wish to say that I know of no reason why the Senator should have brought that into this discussion. Certainly, I have said nothing on earth that would have justified the Senator from New Mexico bringing that statement in. I do not know what his purpose was. I am getting to the point in considering this bill, when I think about purpose when I hear things, and I should like to know what the Senator's purpose was.

Mr. CHAVEZ. My reason for the statement was that the Senator was making the point that Communists were interested in the proposed legislation, and there is nothing further from communism than the Roman Catholic Church.

Mr. RUSSELL. I hope the Roman Catholic Church will maintain that position. The Roman Catholic Church has been a great agency for discipline in this country. I certainly must be absolved of any attempt to bring anybody's kind of church into this discussion. I have not mentioned church.

Mr. CHAVEZ. The Senator certainly is absolved.

Mr. RUSSELL. I wish to say, furthermore, that I have no religious prejudice whatever. I have been charged with it. I remember when I was a candidate for the Senate of the United States the first time. I was the Governor of my State, and I had reorganized the departments of the government, I thought very effectively and efficiently. It must have been a pretty good job, because what was set up has lasted down to the present, in the main. We consolidated about 115 bureaus and agencies into some 14. We did away with all the commissions which were operating the various educational institutions, and created one board of regents.

When I was a candidate for the Senate I went to a county where my opposition thought that the Ku Klux Klan was pretty strong, and I had a friend there who was almost afraid to speak to me out in the open, who came to my car and presented me with a handbill which was distributed in that county. I shall never forget the headline of the handbill. It was a great big handbill. The headline was:

Governor RUSSELL sees to it that a certain percentage of your tax money goes to the Pope in Rome.

That great headline appeared on the handbill. I proceeded to read the handbill. It contained an insidious and violent attack on me because it happened that I had appointed as chairman of the board to control and handle all the university and school system of Georgia a very good friend of mine and a very able man who was a Roman Catholic. I also had appointed a Roman Catholic as an examiner of banks. We do not have as many Catholics in my State as there are in the State of the Senator from New Mexico, but there are some who are

among our outstanding and ablest citizens. I suppose that perhaps the charge was technically correct, for these men were very loyal Catholics. The father of Mr. Hughes Spaulding had been specially decorated by the Pope, and I am sure they all contributed generously to the church. They drew some salary from the State, and it may be that 1 penny of their State salary was commingled with some funds which eventually got to the Pope. But, Mr. President, my people are not swept off their feet by attempts to inject religious prejudice either on the floor of the Senate or in the State in a political campaign. I went before my people and I told them in that campaign "Yes; I appointed these two men. I have never yet seen any human being who had enough religion of any kind to hurt him, and I have no apologies to make." My people justified that position and elected me over very strong opposition.

My State voted for Alfred E. Smith in 1928 when other States which were supposed to be Democratic were falling by the wayside. So the Senator from New Mexico cannot bring any religious prejudice to reflect on my position in this matter.

Mr. CHAVEZ. No, Mr. President; and it was not the purpose of the Senator from New Mexico to do that.

Mr. RUSSELL. I do not know why the Senator mentioned what he did, then.

Mr. CHAVEZ. I am sorry to have the matter brought into the discussion in this way. The point I was trying to make was that those whom I said were in favor of the bill were not Communists. I do not know whether there are any Communists for the bill.

Mr. RUSSELL. I know there are Communists for the bill. There are Communists in the Fair Employment Practice Committee who will be legislated into permanent positions by the adoption of this measure; at least the Department of Justice, after investigation, said they were Communists.

Mr. CHAVEZ. I want to make my position clear to the Senator from Georgia. Far be it from me to accuse him of any intolerance. I have worked with him too long in committees and elsewhere in connection with liberal legislation, and so forth, and I would not want the impression to be created in the mind of the Senator that my purpose in speaking was to try to raise some kind of religious strife or condemn the Senator for something else. My purpose was to say that, as everyone knows, that if there is one church which is against communism, it is the church I spoke of, and to say that if there were Communists in favor of the legislation, they were not the only ones who are behind legislation of this type.

Mr. RUSSELL. Mr. President, I am perfectly willing to support the Senator's church in its opposition to communism. I am trying to fight communism right here and now on the floor in connection with the pending bill.

Mr. FULBRIGHT. Mr. President, will the Senator yield to me for a question?

Mr. RUSSELL. I yield.

Mr. FULBRIGHT. Assuming this bill should be seriously considered, does not the Senator think it ought to provide that all employers whom we assume



might be guilty of discrimination ought to be obliged to go to church every Sunday and to learn to be kind and to love their brothers, and gradually cease to have any ideas of discrimination? Is not that an essential if this legislation is ever to be of any benefit to the country?

Mr. RUSSELL. Mr. President, of course you can lead a horse to water, but you cannot make him drink, and that is the reason I am resisting so bitterly this idea of legislating respecting tastes. There is no accounting for taste. What is the expression—"De gustibus non est disputandum"? I ask my distinguished friend, the Senator from Arkansas, who has been a college president, to check on the accuracy of my quotation. There is a little jingle that goes something like this:

I do not love thee, Dr. Fell,  
The reason why I cannot tell;  
But this alone I know full well,  
I do not love thee, Dr. Fell.

There is no way to account for taste in individuals or in the matter of selection, and it cannot be dealt with by legislation. You cannot legislate anything into the hearts and minds of the people. You can gradually eliminate prejudice and ill feeling between groups. Oh, Mr. President, we have made the most phenomenal progress in that direction that any civilization has ever seen. We have come nearer to living together with diverse groups in this Nation in relative harmony than any people has been able to accomplish. We have gone further along the line of inspiring men to tolerance of other men's views and beliefs than any other people have ever done. We propose by this bill to do away with it all now. Oh, yes, to wreck and destroy all that has been done to eliminate intolerance and prejudice and ill feeling in the minds and hearts of the diverse groups of the United States. We are going to do that because we are going to put the pliers to them and wrench and twist them and make them do what we think is right.

Mr. WILEY. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. McCLELLAN in the chair). Does the Senator from Georgia yield to the Senator from Wisconsin?

Mr. GEORGE. Yes; I yield for a question.

Mr. WILEY. I believe the Senator from Georgia agrees with me that the great and imperative need in America today is to get production. In order to get production we have to get men back to work. I ask the Senator this question: Assuming that the pending bill were to become law, is there anything in it that would get men back to work or that would result in production?

Mr. RUSSELL. Not one thing on earth. It would not make a job for one single American citizen. It would result that the minority groups who are sought to be benefited by the bill would have an advantage over the average American. But it would not make a job for one American citizen. It would result in striking down jobs. If this measure were enacted it would result finally in indignities being heaped upon many

employers, who would be hauled around before kangaroo courts and they will go out of business.

Mr. President, in studying this bill—and I say it is the most skillfully prepared bill I have ever undertaken to read and study—I notice in subsection 3 of section 3 that within the prohibited acts that are herein prescribed and punished appears the following:

(3) To discriminate against any person in compensation or in other terms or conditions of employment.

Mr. President, that language ought to be defined. That language should be defined clearly. If I understand the general purpose of the bill there is a strong probability that this Commission will go into the question of restrictive covenants on the theory that that is a condition of employment. Of course if the bill is passed and it is not applied to restrictive covenants we can depend upon it that in a short time it will result in eliminating all restrictive covenants in any conveyances anywhere, because certainly if we can in the bill which is now pending declare that discrimination will wreck the country we can declare that a restrictive covenant which limits a race of people who might live in a certain community would be absolutely invalid and should be set aside. I would not be at all sure but that the effort would be made to do it under the language I have just read, but certainly we would be confronted with that possibility.

Mr. WILEY. Mr. President, will the Senator again yield?

Mr. RUSSELL. I yield.

Mr. WILEY. I wish to ask the distinguished Senator a question. Has he read the editorial which appeared in the Washington Sunday Star, which is based on a statement made by Comptroller General Lindsay Warren?

The second question is: If the Senator has read it or has not read it, Mr. Warren suggests that the situation in America today is extremely critical. The editorial says:

Mr. Warren, though justifiably depressed over the outlook, is not without hope. But he believes that only a widespread awakening by the American people to the dangers of national bankruptcy that may lie ahead can affect a change for the better. The remedies are clear, he says, but there is little chance of applying them unless the taxpayers insist that their Government apply them. First of all, the Comptroller General pleads for a drastic reorganization of governmental agencies to eliminate waste and inefficiency. Incidentally, the President was given authority to streamline the Government under the Reorganization Act passed last month. Mr. Warren places second on the list of remedial measures a strenuous effort to balance the National Budget through a sharp reduction of Federal expenditures. This will require wholehearted support by the people of congressional economy moves. Third, Mr. Warren calls for a more conscientious type of public service by those entrusted with the responsibility of spending other people's money. Fourth, he urges a reexamination by Congress of its blank-check grants of spending money to certain executive agencies. And, finally, he advocates that the States assume a proper share of their responsibilities toward the Union instead of looking to the Federal Government for more and more assistance.

My question is, Does this bill in any way provide the relief suggested by any of the points the Comptroller General has suggested?

Mr. RUSSELL. It does not even remotely touch them. It does not deal with any real problem which exists today. It is the most insignificant matter that has been mentioned by the President. And yet it is proposed to create a gigantic structure to deal with an imaginary situation which does not exist, and to establish an agency which will have power to do harm far beyond that which might exist under present conditions.

Mr. President, subsection 4 of section 3 undertakes to deal with employment agencies and placement services, or other places where it is said there might be discrimination because of race, color, creed, or national origin.

We come next to the labor-union section of the bill. Of course we know that the PAC, the Political Action Committee, and the CIO have been the principal champions of this legislation. They have supported it in and out of season, and with every means and method at their command. Some of the other labor organizations are opposed to this provision. The American Federation of Labor in its pronouncements on the subject has stated that it was bitterly opposed to having the proposed Fair Employment Practice Commission coming into its unions and telling them whom they might elect as officers and whom they might have as members of the unions. The American Federation of Labor stated that it was in favor of the fair employment practice bill, but opposed to the provision with respect to labor unions, and it has asked that it be stricken out.

At any rate, it is proposed to bring labor unions within the purview of the Fair Employment Practice Act. With respect to a labor union, the bill declares that it is held to be an unfair employment practice "to deny full membership rights and privileges to any person because of such person's race, creed, color, national origin, or ancestry."

Mr. President, I happened to notice a certain article in the New York Times of last Sunday. I was sitting in my room reading the newspaper before going to the office to read the bill, and I happened to run across an article which is headed "Red charges fly in Flint strikes. Union leader, a Trotskyite, is ousted—school closing chief on Government lists." The article is dated Flint, Mich., January 18, and reads as follows:

FLINT, MICH., January 18.—Factional divisions in the UAW-CIO General Motors locals here brought charges today that the international, regional, and local, union officials were afraid to join in a movement to purge the union of communistic infiltration into positions of leadership.

Of course the CIO leadership was afraid to join. CIO leaders were in Washington demanding that this bill be jammed through without benefit of explanation. If the bill were enacted into law it would put such leaders in jail if they undertook to regulate the membership of the union by dismissing a person

because he was a Communist or a Trotskyite who advocated the overthrow of the Government of the United States by force and violence.

Continuing with the article:

Other union leaders asserted that the charges, which have resulted in the removal of one local union official, were part of "a Red scare," the purpose of which was to split the union.

The ousting of Robert A. Carter as chairman of the bargaining committee of AC Spark Plug division local because of his alleged membership in the Trotskyite party was upheld by Archie Myers, president of the local, which claims a membership of 7,300.

I understand that Mr. Myers was the man who was trying to have the Trotskyites and the Communists discharged from the union.

Mr. Myers also condemned the stand taken by three other local presidents and criticized regional and international officers for failing to join in the purge movement. The accused local presidents had charged anti-Trotskyite committeemen with an attempt to break up the union during its wage strike against General Motors. The committeemen are W. E. Rodgers, William Kontyko, John Jordan, and Charles Keene.

#### IN UNPOPULAR POSITION

"I must disagree with the presidents of Fisher Body, Buick, and Chevrolet locals," Mr. Myers said. "People in prominent positions both in the regional office and international unions know what is taking place in the union but because at this time it is an unpopular position to take they will stand back and continue to take only pot shots in the dark."

He urged rank and file members to attend their local meetings and prevent their union from being dominated by "party controlled individuals who are pledged to put the party first and union second."

The creed is the party or, rather, the party is the creed.

Mr. Myers said the ousted committeeman admitted to him in October that he was the second charter member of the Trotskyite party in Flint.

The bargaining committeemen who ousted Mr. Carter charged that communistic infiltration into positions of authority was endangering the union, that Trotskyites were inciting pickets to violence and that members would be put in key positions in the party, union, and government. The committeemen named Sol Dollinger, a Trotskyite party organizer who came here from New York, as chief troublemaker for the union.

#### LINKED TO SCHOOL STRIKE

Local AC committeemen charged that the Trotskyites had gained sufficient influence in the CIO Greater Flint union industrial council, claiming to represent 50,000 workers here, to cause passage of a resolution supporting the maintenance workers' strike that has closed all of Flint's public schools. They will attempt at a meeting tonight to dissolve the council. The school strike was in opposition to union policy, the committeemen said.

Casper P. Kenny, a member of the CIO council, a representative in the State legislature and field representative of the State, County and Municipal Workers (CIO) and leader of the school strike, was revealed as a Communist Party member and an ex-bootlegger in FBI, Army Intelligence, and State police records. He was under surveillance here by agents of these organizations during the war.

Here is a man who was a Communist by creed. He occupied an office in the union. He was a bootlegger in secret

documents during the war. He was under surveillance by the agents of various Government organizations.

Government records show Kenny was a member of the Communist Party's educational committee, the program of which included promotion of understanding of Communist theories in Flint and Pontiac schools. Communist data uncovered by the Government agents mentioned Kenny as "the best worker" here. He made this reply:

"Communism is not the issue in the strike of the school-maintenance workers. It is a question of obtaining 10 cents per hour increase and other demands."

Some of us who believe in the rights of labor organizations have been concerned about the apparently irresponsible and radical leadership which was developing in some of the CIO unions. Here is a case in which one of the unions is trying to purge itself of a Communist official, a man who has bootlegged the secret documents of Army intelligence and of his State police. Mr. President, if Senators vote for this bill they are voting to tell that labor union that if it purges itself of this man because he is a Communist, every one of its members can be put in jail. That is what it amounts to.

I read the following very significant language on page 3 of the bill, in section 3:

(c) It shall be an unfair employment practice for any employer or labor union within the scope of this act to discharge, expel, or otherwise discriminate against any person because he has opposed any practices forbidden by this act or because he has filed a charge, testified, or assisted in any proceeding under this act.

Mr. President, why was it necessary to put that special language in the bill if it was not intended to say to a Communist attempting to promote the Communist philosophy, "You can go as far as you like in resisting any effort to remove a Communist from a labor union, and in punishing those who wish to purge the union of communism. You will be protected, and any person who attempts to do anything about it will be haled before the kangaroo court, where he has no rights, and we will make him regret the day of his birth."

Section 4 of the bill merely relates to its scope. It provides that the act shall apply to "any employer." I wish Senators to notice how wide the term is. It applies to any employer. It does not say what kind of business he may be engaged in. The Senator from Wisconsin, who always is so diligent in staying on the floor and scrutinizing legislation, had already raised the question that there would be absolutely no limit, no standard. The bill would apply to any employer. It would not make any difference who he was or what kind of business he was in or what he was about. The bill provides that—

This act shall apply to any employer having in his employ six or more persons, who is (1) engaged in interstate or foreign commerce or in operations affecting such commerce.

Mr. President, I have already stated that the Supreme Court held that using some stuff on a farm and consuming it on the farm affects interstate commerce, on the far-fetched theory that it affects

the sum total of that material in the United States—in other words, that if a man did not raise a chicken he would have to get it from someone else if he was to eat it, and therefore that would affect interstate commerce.

So this measure affects any organization engaged in any activity, with the possible exception of a church which is not broadcasting the sermon. It brings all other persons under the terms of the proposed act.

I read further from the bill:

(2) under contract with the United States or any agency thereof or performing work, under subcontract or otherwise, called for by a contract to which the United States or any agency thereof is a party, awarded, negotiated, or renegotiated as hereinafter provided in section 13 of this act.

Mr. President, it may seem strange to have such language included in so comprehensive a bill as this one. I wonder why it was included. The language to which I have just referred would make the bill apply to all those who might have contracts with the United States, because it would be very unlikely for a person to have a contract with the United States if he had fewer than six persons employed by him. But this provision of the bill certainly shows the thoroughness with which those who engaged in this matter went about their task. They even provided that a person with fewer than six employees would have to abide by the provisions of this measure if he entered into a contract with the United States. Really, Mr. President, the only persons in the category not covered by that portion of the bill would be householders employing a servant or maid, and the bill would require even a person employing less than six persons to subject himself to its vicious provisions, if he had a contract with the United States.

Of course, another reason why that provision was included in the bill was to tie in with the provision, which appears in the latter part of the bill, that any man who has violated an order of this Commission and who has a contract with the United States will not be turned loose by the Commission after he has been put in jail. Oh, no, Mr. President; after he has had his regular punishment for his horrible crime of not obeying all the rules of the Commission, he will find that in accordance with the provisions of subsection (b) of section 13 of this measure the Commission still will have authority over him, even after he has served a jail sentence, after he has paid up all his back wages, after he has been punished for this thing of the mind which no one can establish with any degree of certainty—this so-called discrimination. Senators will find that for a period of 3 years such a firm can be prevented by the Commission from obtaining another contract with the Government. If that is not heaping injury on top of injury—after the man has already been punished by the courts and already has paid the penalty and already has paid up the back wage payments and already has suffered all the humiliation which has been heaped upon him—I do not know what it is. Just think of it, Mr. President, for the next 3 years he would have to live at the whim and will of the Commission,



and no Government contract would be awarded to him unless the Commission said it might be.

Mr. President, we have had discussed here, perhaps not in as much detail as we should have, but in some generality, the effect of the word "person" as contained in the bill, which I insist would make this Commission a gigantic employment agency for aliens. When I was interrupted by the Senator from New Mexico, I was stating that I did not think I had any more prejudice against aliens than does the average American citizen; that I do not subscribe to the theory of the present-day liberal saints who say that we must accord to aliens and to any person, anywhere in all the world, all the rights which we accord to the American people, or all the benefits or immunities or privileges which are inherent in one who is so blessed of Providence as to be a citizen of the United States. I cannot believe in that. I do not. I would be hypocritical if I were to say that I thought we should legislate here for the benefit of aliens, and to the detriment of the citizens of the United States.

Mr. President, I think we are not going to solve our problems by bringing aliens into this country. I deplore the fact that the President of the United States announced that he intended to bring in quite a large army of refugees just as soon as he could obtain transportation for them, and I am opposed to any relaxation of our immigration laws. That may be one of the inherent characteristics which stigmatize a southern Democrat; but they are my views, and I hold to them. I accord to any other Senator the right to advocate the bringing in of aliens and giving them jobs, to the detriment of American citizens; but I do not think that way, and I shall be compelled to oppose any such movement. The fact that that significance attaches to the word "person", as contained in the bill, the fact that the bill at no place differentiates between an alien and a citizen, is notice to any Senator who votes for it that he is voting to create a great employment agency to deal with finding employment for aliens.

Mr. President, I wish to point out—and I would that Senators would study the bill—the very remarkable powers which would be delegated to the Commission by the bill.

Mr. MAYBANK. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield for a question.

Mr. MAYBANK. I should like to ask the Senator to speak to the question of immigration, with which he, as chairman of the Committee on Immigration, is so familiar. I do not wish to interfere with the development of the Senator's speech; but I wonder whether at this point I may ask him a few questions regarding immigration, in view of the fact that he is chairman of the Immigration Committee on which committee I have the pleasure of serving with him. I hope that by so doing I shall not interfere with the orderly presentation of the Senator's thoughts. If my question would do that, I would ask it at another time.

Mr. RUSSELL. Mr. President, I am happy to yield to the Senator. I do not

think such questions will interfere with the orderly development of the presentation of this question and the analysis of the bill.

Mr. MAYBANK. The Senator from Georgia spoke of the question of immigration, and he made the point that he would be opposed to any further letting down of the bars in regard to immigration.

Mr. RUSSELL. Yes; in fact, I would be willing still further to restrict immigration, so far as I am concerned.

Mr. MAYBANK. Mr. President, as I understand the situation now existing in the Senate, no bills can be introduced at this time. However, I should like to refer to a bill which I intend to introduce, and I should like to ask the Senator from Georgia what he thinks of it. The proposed bill to which I refer reads as follows:

*Be it enacted, etc.—*

SECTION 1. That until the expiration of 5 years after the date of enactment of this act no immigration visa shall be issued to any quota immigrant.

SEC. 2. Terms defined in the Immigration Act of 1924 shall, when used in this act, have the meaning assigned to such terms in that act.

Mr. President, it is my purpose to introduce that bill at the first opportunity I am able to obtain. I desire at this time to ask the Senator from Georgia, who is chairman of the Immigration Committee, to give us the benefit of his views regarding it. Perhaps I should not ask him to prejudge the bill.

Mr. RUSSELL. Mr. President, I should prefer not to take snap judgment on a bill of such importance. As I have said, I would be willing still further to restrict immigration. I do not think I would be willing to go so far as absolutely to bar the entry of all hardship cases for a period of 5 years. We have been living in a very chaotic world; many families have been divided; many American citizens have been overseas and have not been able to return home. In order to prevent hardships I would not commit myself to a support of so comprehensive a bill. But I believe that we do not have sufficient room or wealth in this country to eradicate all the poverty, and cure all the sufferings of distressed mankind everywhere by admitting them into the United States.

Mr. MAYBANK. Mr. President, will the Senator further yield?

Mr. RUSSELL. I yield.

Mr. MAYBANK. Is it not a fact that today there are few jobs available to returning veterans?

Mr. RUSSELL. Yes.

Mr. MAYBANK. Is it not also a fact that today there are few homes which returning veterans may rent at reasonable rates?

Mr. RUSSELL. There is undoubtedly a housing shortage.

Mr. MAYBANK. Is it not also a fact that the returning veterans are meeting with a shortage of farm equipment, machinery, automobiles, and other articles?

Mr. RUSSELL. There is no doubt about it.

Mr. MAYBANK. Does not the Senator believe that some restriction should

be placed upon immigration so that our own people may be supplied with the articles which it is necessary for them to have?

Mr. RUSSELL. I do not say that there should be no further restrictions upon immigration. I have made the statement that I thought there should be. But the Senator has read a bill which seems to bar all immigration, and I would not want to support the bill without considering the matter further. I know there are hardship cases in many families. There are cases of members being separated, and they should be reunited. But I think that the opening of the door to a general swing of immigration would be detrimental to the rights of returning soldiers and other persons as well.

Mr. MAYBANK. Does not the Senator believe that hearings should be authorized on the bill so that we may ascertain the facts?

Mr. RUSSELL. I shall be happy to see that the Senator's bill is considered by a subcommittee, and that it be considered fairly. I mean that it shall be considered fairly not in the sense that the pending bill is fair which is called a fair employment bill.

Mr. MAYBANK. I thank the Senator.

Mr. RUSSELL. Mr. President, the pending bill also applies not only to any employer having more than six employees, wherever he may be and whatever may be the pursuits or activities in which he may be engaged, but it applies to any labor union having more than six members.

Mr. President, we now get down to the real remarkable fact in connection with this bill. We get down to the part of the bill which seeks to create a power enabling the Commission to override the President of the United States, to influence all the policies of Government, foreign or domestic, and to assure that aliens will be employed in any position, regardless of how delicately it may be related to the public welfare. I have before me subsection 4 (c) of the act. I hope Senators will read it carefully because, to me, it is the most outrageous legislative proposal I have encountered in 13 years as a Member of this body. The language to which I refer reads as follows:

(c) This act shall apply to the employment practices of the United States and of every Territory, insular possession, agency, or instrumentality thereof, except that paragraphs (e) and (f) of section 10, providing for petitions for enforcement and review, shall not apply in any case in which an order has been issued against any department or independent agency of the United States.

That language means that the act with respect to employment, or any claim of discrimination because of race, creed, color, origin, or ancestry, shall apply to employment practices of the United States and every agency or instrumentality thereof. That section should be considered because it repeals certain provisions for which Senators have voted during the last several years with regard to employment in the Federal Government. In the independent offices appropriation bill for 1946, now in

operation, is to be found the following provision:

Unless otherwise specified and until July 1, 1946, no part of any appropriation contained in this or any other act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in continental United States unless such person (1) is a citizen of the United States.

Mr. President, I shall not tire the Senate by reading all this act. Senators should be familiar with it because it was approved by the Senate as a matter of legislation, and is now a part of the law of the land, having been approved by the President of the United States.

It may be said, Mr. President, that such has been the policy for a number of years, with the exception of a few specified instances, the exceptions being made during the course of the war in order to obtain some interpreters, translators, and persons of that nature. The language states:

No person shall receive any funds that have been appropriated for the payment of salaries who is not a citizen of the United States.

That was in the law for some time. It was put into relief bills. A provision was put in one relief bill, Public Resolution No. 88, Seventy-sixth Congress, as follows:

No alien, no Communist, and no member of any Nazi bund organization shall be given employment or continued in employment on any work project prosecuted under the appropriations contained in this joint resolution."

And so forth. I ask unanimous consent, Mr. President, that the entire paragraph be printed in the Record at this point as a part of my remarks.

There being no objection, the paragraph was ordered to be printed in the Record, as follows:

(f) No alien, no Communist, and no member of any Nazi bund organization shall be given employment or continued in employment on any work project prosecuted under the appropriations contained in this joint resolution and no part of the money appropriated in this joint resolution shall be available to pay any person who has not made or who does not make affidavit as to United States citizenship and to the effect that he is not a Communist and not a member of any Nazi bund organization, such affidavit to be considered prima facie evidence of such citizenship, and that he is not a Communist, and not a member of any Nazi bund organization.

Mr. RUSSELL. The language to which I have referred establishes, Mr. President, that such has been the policy of the Government of the United States as well as of the Congress of the United States. It was approved by the Senate of the United States. The Senate said that sums apportioned for the payment of salaries of persons working for the Government of the United States shall be paid only to citizens, and that aliens may not receive any part thereof.

There is a provision contained in the Department of Agriculture appropriation bill with which I used to have some little familiarity. The provision reads:

No part of any appropriation contained in this act shall be used to pay the salary or wages of any person who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence.

There are a half a dozen other provisions, every one of which would be repealed by this bill. The Congress should certainly give some consideration to the matter before it repeals provisions which limit employment by the Government of the United States and its agencies to citizens of the United States.

Mr. President, it is possible to get some subversive influence in the personnel of this Commission. I cannot look with very much hope to the prospect of the appointments when I view the qualifications and activities of some who have served on the present committee in its present status. But if certain persons ever receive an appointment to the Commission, and a majority of the Commission wants to take over the operations of the executive branch of the Government, Congress is asked in this bill to give them authority to do so. They can tell the President to jump into the lake at any time they wish to do so, and the President will have no option about it. If they send their representatives into a private enterprise and find that it is engaged in unfair employment practices according to the bill, they could by-pass the Federal district court and take an employer into the circuit court of appeals. He would have his hands tied behind him, because the law provides that if there is any evidence whatever against the employer, the court may do nothing in his behalf. Of course, that means that if he is convicted in the first instance he would stay out of court because he would save the expense of unnecessarily appearing. But with regard to the heads of Federal agencies, there is provided no court review. In a case where the commission has ordered the Federal Government to employ some person, the Fair Employment Practices Commission may petition the President for enforcement of such an order. Listen to this language. I assert without fear of successful contradiction that it or similar language has never been in any legislative subject matter before this body on any prior occasion. Listen to this language, beginning in line 22 on page 4:

And it shall thereafter be the duty of the President to take such measures as may secure obedience to any such order.

It does not say that the President of the United States may in his discretion enforce the order of this Commission. The Congress of the United States undertakes to make this Commission paramount and superior to the President, and make the President subservient to its will, which it does in specific terms.

Mr. McCLELLAN. Mr. President, I inquire what limitations are placed upon the power of the President after it is made mandatory that he act, and that he take such action to enforce decisions? What limitation is there on that power?

Mr. RUSSELL. There is no limitation. The course ordered must be followed, whatever this Commission thinks should be done in a Federal agency. If they

think a certain man should have been promoted to a policy-making position, and say he was discriminated against because he happened to be a member of a minority, they report it to the President. If the President pays any attention to the Congress of the United States, we will have told him that "It is your mandatory duty," and we use the word "duty," that he "shall" do it, he "shall" enforce it.

Now, look at the next language:

Every officer, agent, or employee who willfully violates any such order—

That is, when the order has been given. Get the continuity between these two provisions. Whenever an order has been given to an officer and he violates it, he shall be summarily discharged from the Government employ. The way those things are tied together, this Commission can fire any man in the Federal Government, and the President, if he follows the clear wording of an act of Congress, would have no authority whatever to do anything about it. That is the English language, and it is clear. He who runs may read.

Mr. President, I have said this is the most skillfully drafted and designed piece of legislation ever presented to the Congress. I direct attention to section 5, which purports to provide for the establishment of the Commission. It says there shall be five Commissioners, to be appointed by the President. Listen to this. The President is to appoint them. I direct attention to line 13:

Any member of the Commission may be removed by the President, upon notice and hearing—

For what?—

for neglect of duty or malfeasance in office, but for no other cause.

Mr. President, I wonder how common that language is in the appointing power of the President. It is said he can appoint them and he can remove them, but only for malfeasance in office or for neglect of duty. If a man were made so incompetent that he could not even write his name, the President could not remove him. Why is this restriction thrown around the power of the President to remove members of the Commission, in connection with the mandatory language of the proposed act which says that the President "shall" bend the pregnant knee to carry out, as a mere lackey, any order which is forwarded to him by this supercommission Senators are seeking to establish here under the name of a Fair Practice Commission?

I say without any fear of successful contradiction that the President should be given the right of appeal, before this Commission discharges him, as it says he shall be discharged under the law—and Senators would be duly bound to impeach him if they could not get him out of office in any other way; but he should have some right of appeal. Notice how carefully in the employment policies of the Federal Government it is arranged so that this Commission shall be the sole and only arbiter of who shall work for the Federal Government. The President has no powers in the matter. Of course, back in the days when we thought that the Constitution as written



was the supreme law of the land, someone would have said that the Constitution makes the President the head of the executive branch. Of course, the Constitution has no effect in this day, and the Congress says in specific terms, in the proposed bill, in words which do not permit of any quibble or equivocation, that the President shall carry out any order this outrageous organization might issue, and he will have no discretion whatever in the matter. Congress declares, along with all the other declarations here, that it is the President's duty immediately to carry out such an order, whether he wants to or not. Senators cannot say that is a strained construction of the provision. I challenge anyone to put any other interpretation on it without distorting the English language.

Mr. McCLELLAN. Mr. President, under the terms of the bill, the President shall take such measures as may secure obedience to such an order. What are the limitations on the measures which may be taken?

Mr. RUSSELL. There is no limitation; but I am assuming that the worst thing that will happen to one will be that he will be summarily discharged from the Government employ.

Mr. McCLELLAN. The next sentence provides for that, but suppose the order is made against an individual rather than an officer?

Mr. RUSSELL. It was undoubtedly the purpose of this language to make the President subservient to the Commission, insofar as handling employment policies of the Federal Government was concerned. I assume, then, that the Commission would tell the President what measures he should take.

Mr. McCLELLAN. In other words, there is no discretion reposed in the President, after the Commission once makes a finding and issues an order thereon.

Mr. RUSSELL. There is just as much discretion in the President as will be found in the word "shall." If there is any discretion in the word "shall," there will be discretion in the President, but the word "shall" has been recognized in this body since time immemorial as the word to use to create a mandatory duty; so the bill proposes to make this Commission superior to the President.

Mr. McCLELLAN. I ask the Senator whether the President would have opportunity for discretion, or review of the order made, to determine whether it was fair and equitable, based on facts established which showed discrimination or violation of the policies announced by the act.

Mr. RUSSELL. Not in the slightest degree. Not only that, but in section 5 Congress tells the President he cannot remove these people for telling him to do something he does not want to do. Of course, if he undertook to remove them, even for neglect of duty or malfeasance in office, they would have a right to assemble themselves, and if Senators will look at the complexion of the boards which have existed in the past, with one or two exceptions, they will agree they could assemble and say, "The President says he is removing us because we stole

a lot of money that belonged to the Federal Government, but that is not the case. He is really trying to remove us and discriminate against us because we are members of a certain minority group." The Board would get together and determine that the President was discriminating against them, and it would be impossible ever to get them out, and there would be established an agency in the Federal Government which no one could handle, unless Congress should get up the courage to make the attempt, and, judging by the past, I have no hope of that.

Mr. McCLELLAN. Under the Senator's interpretation, with which I agree, all the Board would have to do would be to issue another order to the President to desist.

Mr. RUSSELL. Of course, they would determine about discrimination. The Senator has seen the personnel of these boards, like the so-called Fair Employment Committee we have had.

Mr. President, there is another provision of the bill which is worthy of brief comment, anyway. I think Senators should consider it, because it is a rather important piece of legislation within itself. I refer to section 8 of the bill, which reads:

Upon the appointment of the members of the Commission, the Committee on Fair Employment Practice, established by Executive Order No. 9346 of May 27, 1943, shall cease to exist.

If that were all there were in the bill, if the words "shall cease to exist" were the only language in the bill, with what enthusiasm I could support it! But it continues:

All employees of the said Committee shall be transferred to and become employees of the Commission. All records, papers, and property of the Committee shall pass into the possession of the Commission, and all unexpended funds and appropriations for the use and maintenance of the Committee shall be available to the Commission.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. RUSSELL. I am glad to yield for a question.

Mr. WHITE. On page 4, in subparagraph (c), it is provided that—

The Fair Employment Practice Commission established by section 5 of this act may petition the President for the enforcement of any such lawful order, and it shall thereupon be the duty of the President to take such measures as may secure obedience to any such order.

Of course, in late years we have grown somewhat familiar with directives moving from the President, but this is the first instance within my knowledge of a suggestion that a subordinate of the Executive would have the right to issue directives to the President.

Mr. RUSSELL. The Senator just stepped off the floor when I began to discuss that point. I challenged anyone to show any legislative precedent for the Congress subordinating the President to the Board and making him a lackey and compelling him to carry out their orders as to employment in the Federal Government, whether he thinks it proper or not.

Mr. WHITE. The Senator has already commented on what I have read. But the following language intrigues me somewhat:

It shall thereupon be the duty of the President to take such measures as may secure obedience to any such order.

Now what are those orders on which the President may take action? May he do anything or everything that he would like to do?

Mr. RUSSELL. The mildest punishment that could be inflicted under that language would be to discharge the man. I do not know whether he could be deprived of any other rights, or of his liberty. I hardly think the President could exile him, but if the Commission ordered the President to exile him he would have to try to do so, and the man would have no recourse to the courts.

Mr. WHITE. But there is nothing in this proposed legislation which undertakes to define the powers which the President may exercise.

Mr. RUSSELL. Not the slightest. Nor is there any definition. I am complaining here about bringing in a bill of this revolutionary character and that the sponsors do not try to define it, or to provide protection to the individual who has to deal with these kangaroo courts. No standards are set up. No definition is provided. No rights on earth are left to the average everyday citizen except to go to jail, without the benefit of a jury trial, and without a hearing in the sense that is commonly accepted under our law in a court of justice. That is what the bill does.

Mr. President, as I stated, section 8 on its face may appear to be a very harmless and insignificant section. It provides that when and if this bill is passed, the committee which President Roosevelt appointed shall cease to exist, and then it transfers all the employees of the committee to become the employees of the commission. That is a significant provision. Why does it have to be in this bill? The employees are entitled to the same consideration, and to no more and to no less consideration, than other civil-service employees are entitled to. In my opinion, the language is in the bill because of the fact that it has been stated, and never been denied, that a goodly number of the employees of this agency have been members of organizations which have been branded by the Attorney General of the United States—and I refer to Attorney General Biddle, a great liberal, and not some hide-bound attorney general—as subversive in their nature, some of them even undertaking to change our form of government by force and violence.

Therefore, as I say, there is not a line of this bill that is not without a purpose to take care of that group and slide them into office at the very inception. Government employees are being laid off in all other agencies, but these employees are being given preference and priorities, every one of them taken care of and slid over into other agencies, perhaps because they are already trained and know their way around in their subversive and destructive efforts.

Now, Mr. President, we have come to section 9 which has to do with the location of the offices of this transitory, nebulous, fleeting, here-today and gone-tomorrow, star-chamber method of imposing upon the people of the United States.

Mr. MAYBANK. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. HOEY in the chair). Does the Senator from Georgia yield to the Senator from South Carolina?

Mr. RUSSELL. I yield for a question.

Mr. MAYBANK. The Senator has been discussing section 8, regarding the employees. Does the Senator construe the section to provide, in addition to the radicals who have been spoken of, that the Commission shall take over the employees in the same proportion in which the Fair Employment Practice Committee now hires employees, which proportion was such as the Senator so ably mentioned and discussed last summer when appropriations for the FEPC was under consideration?

Mr. RUSSELL. Yes. Of course we have pointed out that the FEPC is supposed to provide against discrimination, but out of 169 employees, about three-quarters, or 120-odd, were members of the Negro race, and thus it is developed that it was not against the law to discriminate in favor of, but only against the law to discriminate against. You can discriminate in favor of all you please.

The only thing that is tied down at all respecting this organization, the only thing that is definite about it in the slightest degree is the fact that the Commission must meet some times in the District of Columbia. That is the only thing definite about it. The Commission must meet here. But the Commission may meet at such other places as its members may designate. They can pull a poor fellow to Washington today and try him in St. Louis tomorrow before the Commission.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. McCLELLAN. Under the terms of this bill, as I read it, there is no reason why they could not hold a session in Alaska, and take a Georgia citizen to Alaska and examine him there.

Mr. RUSSELL. It does not require the Commission to operate within the United States.

Mr. McCLELLAN. Or it can operate in any other Territory.

Mr. RUSSELL. Yes; it can operate anywhere it wants to. It would be a rather nice Commission to be a member of if one wanted to take junkets. But I can warn any Senator who thinks he may be likely to be placed on the Commission if the Commission is created he will be disappointed. There will be on this Commission representatives only of the colored race, of labor organizations, and of minority groups. So a Senator would not have much opportunity of becoming a member of it.

Mr. President, here is a very wide sweep of power:

The Commission may, by one or more of its members or by such referees, agents,

or agencies as it may designate, prosecute any inquiry or conduct any hearing necessary to its functions in any part of the United States or any Territory or insular possession thereof.

I do not exactly understand this use of the word "agencies" in this section. I have endeavored to study the bill, and I have tried to probe the mind of the man who drafted the bill, whoever he may be, because as I saw the tortuous course of this language and the unusual powers it sought to confer in this Commission, the unusual powers it took from the other agencies of government, and the great restrictions placed upon the individual citizens of this country, I knew that there was some motive back of the bill, and I could pretty soon pick up what the motive was, and that was very helpful in analyzing the bill. But I have not understood the use of the word "agencies" to prosecute these inquiries. I do not know whether that means a private agency or public agency. I do not know whether it means an individual operating as an agency or whether it means that this Commission could employ some political organization, such as the Communist Party, or some Union for Democratic Action, or some such agency as that to prosecute these inquiries. I do not think that it is necessary to delegate this to this Commission. Where they have their representatives to sit as a judge and as a prosecuting attorney and the jury all at one time, it would seem that it would not be necessary to bring in outside agencies to help conduct the prosecution. Certainly, Mr. President, where a man sits as judge and jury and as prosecutor he does not need any additional power. He is bound by no rules. He is under no law, save his own conscience. He does not need to be able to secure any agency, and I wish I knew just what the draftsman meant when he put the word "agency" in the bill.

Mr. President, we have already discussed, through the questions that have been asked here on the floor of the Senate, the unusual powers which are granted to the Commission and the number of essential rights which are denied those who are charged with offenses, the rights of the individuals. I want to reiterate that there has never been such a court as this ever conceived of in Anglo-Saxon jurisprudence. Under the bill practically the only right a man has is to employ counsel and to appear personally. There is no assurance that he will be confronted with the witnesses against him. The old-fashioned idea was that before a man was found guilty of a crime he should be confronted by the witnesses against him. That right is done away with in this bill. He does not have to be confronted with the witnesses. He has no fundamental right of cross-examination of the witnesses. The only right that is assured him by the bill is the right to testify. He may appear and testify. He has no protection of a rule of evidence. He has no right of cross-examination conferred by law. He has no benefit of the rules of evidence which have been accepted in this Nation through all these many

years. As I have stated, if he is found guilty he has no method of review.

Broad investigatory powers are proposed to be conferred on the Commission. Senators may treat this subject lightly if they choose, but let them wait until the harassed, annoyed, badgered, beaten, and confused businessmen of this country, those who employ more than six persons, come in to complain about the administration of the act. Senators need not say that they did not have any idea that such a thing could occur. They have been put on notice that it can and will happen if this bill ever becomes a law.

As I have stated, the agents of the Commission would have the right of access to all the books of the individual or concern under investigation, without any warrant or authority in law whatever. Any resistance to an examination of those books is specifically made a crime, punishable by imprisonment of 1 year and a fine of \$5,000. The right which we thought we had under the fourth amendment, under the old concept of construing the Constitution as it is written and accepted as the supreme law of the land, would disappear, because the agent could go through the books of an individual or a corporation as he saw fit, without any warrant or authority. If an individual should refuse to obey a subpoena from this organization, or refuse to adhere to its determinations, he could be brought before the court and sentenced to jail for as long as the judge saw fit. He would have no right to protect himself.

Under the terms of the proposed law, if there were any evidence against him it would be the duty of the circuit court of appeals to find him guilty. The circuit court of appeals might say, "This is the most outrageous perversion of justice that we have ever seen in our lives. The defendant was convicted on the testimony of one witness who was shown by the record to be prejudiced against him for other reasons. The defendant produced more than 100 witnesses, prominent men of high character, who testified in his behalf, but the examiner of the FEPC found him guilty, and because that one prejudiced witness appeared against the defendant the circuit court of appeals has no power on earth to afford him any redress."

Mr. President, there are other provisions creeping into our law in this day when Senators talk against bureaucracy and vote to create new bureaus with greater powers. I point out subsection (c) of section 11, on page 11—

Mr. WHERRY. Mr. President, will the Senator yield for a question?

Mr. RUSSELL. I yield for a question.

Mr. WHERRY. Would the proposed permanent organization be given more power than was conferred upon the temporary Committee established by Executive order?

Mr. RUSSELL. I discussed that question earlier in the course of my remarks. There is no comparison. Under the present system, all that the present Committee on Fair Employment Practices can do is to say that a man shall be denied a contract with the Federal Government if he does not follow such employment



practices. The Committee does not even have that power. It must invoke the aid of the War Department or the President. It has no right to bring a man into court. It has no right to examine his books. The present law applies only to the agencies of the Federal Government, and to those who have contracts with the United States. The bill before us would apply to every person, natural, or artificial, who employs more than six persons in any line of work. The bill not only provides for the cancellation of a Government contract if the employer does not do as the Commission directs. It provides that the accused may be put in jail. He is denied the right to trial by jury. He cannot get before a jury.

Mr. WHERRY. Mr. President, will the Senator yield for a further question?

Mr. RUSSELL. I yield.

Mr. WHERRY. I was absent from the Chamber when the Senator no doubt explained the provisions of subsection (d), beginning near the bottom of page 7. If the Senator can do so without being diverted too far from the discussion of the provision on page 12, I should like to have him state his views with respect to subsection (d) of section 10, beginning near the bottom of page 7 and continuing on page 8, requiring the accused person "to take such affirmative action, including reinstatement or hiring of employees with or without back pay, as will effectuate the policies of this act."

How far does the Senator think the Commission might go? How much authority would it have under this subsection?

Mr. RUSSELL. As I understand, the Senator is referring to subsection (d) of section 10, beginning on page 7.

Mr. WHERRY. Yes; and particularly to lines 1 and 2 on page 8, with respect to the affirmative action which must be taken.

Mr. RUSSELL. I do not see any limit to the authority. I do not think there is any limit to how far the Commission might go. That illustrates the negligence of the Congress in attempting to legislate in such a haphazard fashion. Of course, the provision with respect to back pay is intended to serve as a club over the employer to make him discriminate against those who are not protected by the terms of the bill.

Of course, the Senator has noticed subsection (b) on page 7, which begins with the language—

Whenever it is alleged that any person has engaged in any such unfair employment practice—

It does not say that the person offended against must allege it. On the basis of an anonymous telephone call to the effect that any individual has engaged in an unfair employment practice, the Commission might send its representative to examine his books, and he might be cited before the Commission. It is the widest grant of power that has ever been considered by the Congress of the United States. I state that without any fear of contradiction.

Mr. WHERRY. Have any hearings been held on that particular subject?

Mr. RUSSELL. I ran through the hearings. I wanted to see how much con-

sideration had been given to the rather remarkable statement of findings and declaration of policy on page 1 of the bill.

A great number of witnesses appeared before the Committee on Education and Labor. In his report the Senator from New Mexico estimates that the witnesses who appeared before the committee spoke for 120,000,000 people. He stated that there appeared a representative of the Federal Council of the Churches of Christ in America, and that he represented a great many people. An eminent Catholic divine appeared, who it is said represented approximately 22,000,000 people. A Jewish rabbi represented four or five million more. A member of a Negro organization was also present. The Senator from New Mexico compiled the list of witnesses, and he states that his report speaks the voice of between 125,000,000 and 130,000,000 people. I believe that that statement is in line with other statements in the report, and the provisions of the bill. It is just about as exaggerated. I have no idea that those witnesses spoke for any such number of people. Undoubtedly they told the committee that they were for fair-employment practices. Every fair-minded man in the United States is for fair-employment practices, and no doubt the witnesses vigorously defended fair-employment practices before the committee. But no one had then pointed out how the kangaroo courts proposed to be created by the bill would destroy the rights of individual Americans in and to their business.

Mr. WHERRY. Mr. President, will the Senator further yield?

Mr. RUSSELL. I yield.

Mr. WHERRY. I do not wish to have my position misunderstood. I am one of those who believe in fair-employment practices. I have been a strong advocate of constructive legislation to that end; but I am very apprehensive. I should like to have an explanation from the proponents of this measure, if we can get it as we go along, with respect to certain sections of the bill which certainly go beyond the powers of the present Committee on Fair Employment Practice, which was established by Executive order. Regardless of the fact that the Senator from Georgia and I are not in full agreement on the philosophy of a fair employment practice act—

Mr. RUSSELL. I refuse to admit that the Senator from Nebraska is a stronger advocate of real fair-employment practices than I am. We may differ on the question of approach.

Mr. WHERRY. Let me put it this way: Even though we may be in disagreement as to this particular measure—and I do not know that we are—I should like to find out how far the bill goes. I have a high regard for the judgment and sincerity of the Senator from Georgia, as I believe the Senator knows. I have held him in high esteem ever since I first became a Member of the Senate. I have been with him on a number of questions.

Mr. RUSSELL. I thank the Senator.

Mr. WHERRY. I am not saying that to flatter the Senator. I may not agree with his interpretation, but I should like to obtain from him an expression on this section. I suggest to the Senator from

New Mexico, who is sponsoring the bill, that as we go along we should have a definite interpretation as to how far the proposed authority goes, and what right of appeal would exist. I want to see the rights of every American protected when it comes to the legal aspects of the bill.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. CHAVEZ. I have been most happy all afternoon because the Senator from Georgia has discussed the bill from the standpoint of merit, from the legal standpoint as he understands it. He has made some very fine statements this afternoon. I am a strong proponent of the proposed legislation. I may say that it is the purpose of those who may disagree with the legal conclusions of the Senator from Georgia to present their views on the legal questions involved as soon as we are through approving the prayer and the Journal. I wish to thank the Senator from Georgia for the effort which he has made this afternoon to discuss the bill in the way it should be discussed, from the legal standpoint, and from the standpoint of its implications, as the Senator understands them, as well as from the standpoint of the effect upon the American people.

I thank the Senator from Georgia for doing that, even if I do not reach the same conclusion.

Mr. RUSSELL. Mr. President, I appreciate the kind comment of the Senator from New Mexico.

Now I shall sum up some of my objections to this bill, and then I shall conclude.

I am opposed to this bill. I am opposed to the philosophy of attempting to legislate and create a new penal offense which cannot be determined to a reasonable certainty and with reasonable fairness before a reasonably fair court in this country, a bill which affects the rights of every individual American citizen.

I am opposed to the nationalization of jobs in this country by permitting the Government of the United States or any of its creatures to determine whom any employer shall fire, whom he shall hire, or whom he shall promote, merely because the person concerned happens to be a member of a minority group.

I am opposed to this proposed legislation, Mr. President, because it would give to some American citizens and to some aliens in minority groups rights, privileges, and benefits which would be denied other American citizens, including those who have fought in our behalf in the recent great war.

I am opposed to the bill because I know that any effort to regulate and control the tastes and habits and manners of a great people such as ours is doomed to failure from the outset. It has been tried but it has never worked, and it cannot work now.

Mr. President, I hold in my hand a small advertisement which the wife of a distinguished Member of this body, who is not from the South, happened to see in a Washington newspaper, and she cut it out and it came into my hands. It shows the futility of trying to legislate in connection with a matter of this kind. This

good lady was looking through the want ads, trying to find a maid; her maid had left her. She happened to notice this advertisement in the Washington Evening Star of September 28, 1945:

Girl, colored, wants general housework, plain cook, 5-day week, Monday through Friday, adults; gentiles; \$20 and car fare a week.

How are we going to reach by legislation a matter of that kind, when a colored maid prefers to work for gentiles rather than for Jews? Can you create a commission to handle that? You can do it if you have the right to say that under the commerce clause of the Constitution, a person cannot employ or promote according to his judgment. You can do it if you are willing to strike down and destroy rights guaranteed all our people by the Constitution of the United States.

Of course, if the Congress has the power under the commerce clause to take away a fundamental right of one person to his property and business by saying whom he must employ, it would have the right to wipe out another constitutional provision on the question of involuntary servitude and say by statute that a person must work at a certain job lest the commerce of the Nation be obstructed. Neither can be done unless we are ready to wipe out the constitutional rights guaranteed all of the people of the United States, whether majority or minority. Such action can but result in a form of government where all of the rights and privileges which should be vested in a free people are taken over by that government. God forbid that the day should be here when Senators are willing to set in motion a force which will nationalize industry today and will tomorrow sovietize this country and permit us to attach the employee to the factory as a part thereof.

The individual in this country is still supposed to have some rights. The crimes which this outrageous measure attempts to place upon the statutes are all matters of the mind. Exact proof can never be had to establish a question of taste. It can only result in injustices and the destruction of individual rights. Any such method is wholly and completely un-American and subversive to our form of government, our vaunted rights of citizenship, and the way of life which has made us the greatest nation of the earth.

We may belong to various races, various churches; we may have different patterns of behavior; we may even have different standards or types of life in different sections of our country. That is America. When we undertake to say what is in the mind of a person who says he would prefer to have John Jones work for him, rather than Jim Smith, or that he prefers to promote John Doe rather than Bill Roe, and when we undertake to say that when he does that he does it because he discriminates against a particular political faith or religious faith or creed or race, Mr. President, I say that the Senate of the United States should have better sense than to attempt to do it, and we should have the courage

to say so, rather than to continue to mess around with such a measure as this one.

Mr. MAYBANK rose.

Mr. RUSSELL. I yield to the Senator from South Carolina; in fact, I am prepared to yield the floor.

Mr. MAYBANK. In view of the advertisement to which the Senator has referred, I was merely going to ask him if he recalls the answer which was given by Mr. Maslow when he was asked how the complaints originated. During the hearings Mr. Maslow said:

Our staff has been specifically instructed not to proceed except on the basis of a complaint made by a complainant, or referred by a Government agency. The only exception, sir, is in the case of discriminatory advertisements.

I also wish to ask the Senator if he likewise recalls the following answer given by Mr. Maslow, when he referred to the Dallas News case:

The regional director, scanning the newspapers, believed he saw an example of a violation of the order.

Mr. RUSSELL. Of course, Mr. President, under the rules which would be adopted by the Commission, any such advertisement as that one, which was inserted in the newspaper by a colored maid, would be illegal. I do not know that the Commission would provide for punishment of the maid, but they would put the newspaper publisher in jail if he published in his newspaper an advertisement mentioning a minority race, even if the person paying for the advertisement wished to have it printed in the newspaper. The Commission would put the newspaper publisher in jail if he published an advertisement which even by implication indicated a preference not to work for a Semitic family.

So, Mr. President, let us do away with the desire to play up to this or to that minority group. Let us lay this dangerous bill aside; and, in accord with the desire to serve the worthy and the better traditions of the Senate in the days gone by, let us dedicate ourselves to legislation which will steer us safely through the perilous storms which beat about us at this time. In so doing, we will protect the rights and promote the happiness of all our people.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had agreed to Senate Concurrent Resolution 43, as follows:

*Resolved by the Senate (the House of Representatives concurring), That, in accordance with paragraph 3 of section 2 of the Printing Act, approved March 1, 1907, the Joint Congressional Committee on the Investigation of the Pearl Harbor Attack be, and is hereby, authorized and empowered to have printed for its use 5,000 additional copies of each part of the hearings held before said joint committee during the Seventy-ninth Congress, pursuant to Senate Concurrent Resolution 27, a concurrent resolution to investigate the attack on Pearl Harbor on December 7, 1941, and events and circumstances relating thereto.*

#### MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communi-

cated to the Senate by Mr. Miller, one of his secretaries.

JOURNAL OF THURSDAY, JANUARY 17, 1946

The Senate resumed the consideration of the motion of Mr. OVERTON to amend the Journal of the proceedings of the Senate of Thursday, January 17, 1946.

Mr. RUSSELL. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Bailey	Hart	Morse
Ball	Hayden	Revercomb
Briggs	Hoey	Russell
Capper	Johnston, S. C.	Saltonstall
Chavez	La Follette	Stanfill
Cordon	McClellan	Stewart
Donnell	McKellar	Taft
Eastland	McMahon	Wherry
Ellender	Mead	White
Gerry	Millikin	Wiley

The PRESIDENT pro tempore. Thirty Senators having answered to their names, a quorum is not present. The clerk will call the names of the absent Senators.

The legislative clerk called the names of the absent Senators, and Mr. BANKHEAD, Mr. BUTLER, Mr. HATCH, Mr. HICKENLOOPER, Mr. HUFFMAN, Mr. JOHNSON of Colorado, Mr. MAYBANK, Mr. PEPPER, Mr. RADCLIFFE, Mr. SHIPSTEAD, Mr. TAYLOR, Mr. TYDINGS, Mr. WALSH, and Mr. YOUNG answered to their names when called.

The PRESIDENT pro tempore. Forty-four Senators having answered to their names, a quorum is not present.

Mr. MORSE. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

Mr. STEWART. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. STEWART. Am I correct in understanding that the motion of the Senator from Oregon is that the Sergeant at Arms be directed to request the attendance of absent Senators?

The PRESIDENT pro tempore. The Senator is correct.

Mr. STEWART. Is the Senator's remark in the nature of a motion?

The PRESIDENT pro tempore. It must be in the nature of a motion.

Mr. STEWART. Mr. President, a further parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. STEWART. This is more in the nature of a point of order. I understand that the rules of the Senate provide that in the absence of a quorum no motion may be made except a motion to adjourn.

The PRESIDENT pro tempore. No; the Chair is advised by the Parliamentarian, who is a good one, that the motion which has just been made by the Senator from Oregon is in order.

Mr. WHITE. Mr. President, the motion of the Senator from Oregon is clearly in order.

The PRESIDENT pro tempore. The question is on agreeing to the motion of



the Senator from Oregon that the Sergeant at Arms be directed to request the attendance of absent Senators.

Mr. STEWART. Mr. President, on this question I ask for the yeas and nays.

The PRESIDENT pro tempore. Is the request sufficiently seconded?

The yeas and nays were not ordered. The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Oregon. [Putting the question.] The Chair is in doubt.

On a division the motion was agreed to.

The PRESIDENT pro tempore. At this point rule V, paragraph 3, which is the rule controlling in this situation, will be read.

The legislative clerk read as follows:

Whenever upon such roll call it shall be ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant at Arms to request, and, when necessary, to compel the attendance of the absent Senators, which order shall be determined without debate; and pending its execution, and until a quorum shall be present, no debate nor motion, except to adjourn, shall be in order.

The PRESIDENT pro tempore. The Sergeant at Arms will execute the order of the Senate.

After a little delay Mr. McCARRAN, Mr. GURNEY, Mr. BUCK, and Mr. ROBERTSON entered the Chamber and answered to their names.

Mr. TYDINGS. Mr. President, is a motion to recess in order?

The PRESIDENT pro tempore. It would not be in order in the absence of a quorum.

Mr. TYDINGS. Is a motion to adjourn in order?

The PRESIDENT pro tempore. It is.

Mr. TYDINGS. Mr. President, I know the order of business will be changed, but I am within my rights, and as it is perfectly apparent to me that an hour will be wasted in an absolutely futile way, I make a motion that the Senate now adjourn until tomorrow at 12 o'clock noon.

Mr. WHITE. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk called the roll.

Mr. THOMAS of Utah. I have a general pair with the Senator from New Hampshire [Mr. BRIDGES]. I transfer that pair to the Senator from California [Mr. DOWNEY] and will vote. I vote "nay." I am not advised how the Senator from New Hampshire would vote if present.

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] is absent because of illness.

The Senator from Florida [Mr. ANDREWS], the Senator from Virginia [Mr. BYRD], the Senator from Nevada [Mr. CARVILLE], the Senator from California [Mr. DOWNEY], the Senator from Rhode Island [Mr. GERRY], the Senator from Idaho [Mr. GOSSETT], the Senators from Washington [Mr. MAGNUSON and Mr. MITCHELL], the Senators from Montana [Mr. MURRAY and Mr. WHEELER], the Senator from Pennsylvania [Mr. MYERS], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Louisiana [Mr. OVERTON], and the Senator from New York [Mr. WAGNER] are necessarily absent.

The Senator from Rhode Island [Mr. GREEN], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from Arizona [Mr. MCFARLAND], the Senator from Utah [Mr. MURDOCK], the Senator from Texas [Mr. O'DANIEL], and the Senator from Oklahoma [Mr. THOMAS] are detained on public business.

The Senator from Kentucky [Mr. BARKLEY], the Senator from Georgia [Mr. GEORGE], and the Senator from Illinois [Mr. LUCAS] are detained at a meeting of the Joint Committee on the Investigation of the Pearl Harbor Attack.

The Senator from Texas [Mr. CONNALLY] is absent on official business as a representative of the United States attending the first session of the General Assembly of the United Nations, now being held in London.

The Senator from Delaware [Mr. TUNNELL] is absent on official business as a member of the Mead committee.

I wish to announce further that the Senator from New York [Mr. WAGNER] has a general pair with the Senator from Kansas [Mr. REED].

Mr. WHITE. The Senator from Michigan [Mr. VANDENBERG] is absent on official business as a representative of the United States attending the first session of the General Assembly of the United Nations, now being held in London.

The Senator from California [Mr. KNOWLAND] is absent on official business as a member of the Mead committee.

The Senator from Vermont [Mr. AIKEN] is absent because of illness.

The Senator from Indiana [Mr. CAPEHART], the Senator from Oklahoma [Mr. MOORE], and the Senator from Illinois [Mr. BROOKS] are necessarily absent.

The Senator from Iowa [Mr. WILSON] is detained on official departmental business.

The Senator from New Jersey [Mr. HAWKES], the Senator from South Dakota [Mr. BUSHFIELD], the Senator from Kansas [Mr. REED], the Senator from New Hampshire [Mr. BRIDGES], and the Senator from Maine [Mr. BREWSTER] are detained on official business.

The Senator from Kansas [Mr. REED] has a general pair with the Senator from New York [Mr. WAGNER].

The Senator from Nebraska [Mr. WHERRY] is necessarily detained on official business trying to get a settlement on the truck strike with the Secretary of Labor, Mr. Schwellenbach.

The result was announced—yeas 24, nays 33, as follows:

#### YEAS—24

Bailey	Hayden	Millikin
Bankhead	Hill	Radcliffe
Bilbo	Hoey	Revercomb
Buck	Johnston, S. C.	Robertson
Eastland	McCarran	Russell
Ellender	McClellan	Stewart
Fulbright	McKellar	Tydings
Hatch	Maybank	Wiley

#### NAYS—33

Austin	Hickenlooper	Shipstead
Ball	Huffman	Smith
Briggs	Johnson, Colo.	Stanfill
Butler	Kilgore	Taft
Capper	La Follette	Taylor
Chavez	Langer	Thomas, Utah
Cordon	McMahon	Tobey
Donnell	Mead	Walsh
Ferguson	Morse	White
Gurney	Pepper	Willis
Hart	Saitonstall	Young

#### NOT VOTING—39

Alken	Gerry	Murray
Andrews	Glass	Myers
Barkley	Gossett	O'Daniel
Brewster	Green	O'Mahoney
Bridges	Guffey	Overtton
Brooks	Hawkes	Reed
Bushfield	Knowland	Thomas, Okla.
Byrd	Lucas	Tunnell
Caphart	McFarland	Vandenberg
Carville	Magnuson	Wagner
Connally	Mitchell	Wheeler
Downey	Moore	Wherry
George	Murdock	Wilson

So the Senate refused to adjourn.

Mr. TYDINGS. Mr. President, a quorum is now present, as disclosed?

The PRESIDENT pro tempore. A quorum is now present.

Mr. TYDINGS. Mr. President, I understand the authors of the bill under consideration are Senators CHAVEZ, DOWNEY, WAGNER, MURRAY, CAPPER, LANGER, and AIKEN.

I have been asked by some of my constituents if the authors of the bill will consider and approve an amendment to section 3, paragraph 1, after the word "ancestry," to add the words "or because of his membership in or lack of membership in a union." I should love to have a public answer to that question so that I could notify my constituents accordingly.

Mr. CHAVEZ. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from New Mexico?

Mr. TYDINGS. I yield.

Mr. CHAVEZ. I would love to give the Senator from Maryland an answer to his question, which I think is a fair question, but I am not in a position to do it until we at least approve the Journal of Thursday, January 17.

Mr. TYDINGS. Mr. President, I do not wish to get into this debate, and I can understand, in a great democracy such as ours, where every man has equality, that there can be those who think that there should be some measure of law to safeguard a person's right to work because of his race, creed, color, national origin, or ancestry, and, in order to make it all-inclusive, bring all citizens into its purview and make them all equal. I would assume that those who favor this proposal would have no objection to the inclusion of the word "or because of his membership in or lack of membership in a union."

If there is to be no discrimination, if there is to be that measure of sheer, honest-thinking and forthrightness which all the proponents of the measure seem to advocate, I will ask any Senator on the other side of the aisle or on this side, who favors the bill as it stands, if he would support such an amendment to the bill? I do not want to call individual names, but it is pretty clear to me where the majority here stand; that they do not want any discrimination at all in the right to work, and I am assuming, unless I am contradicted, that all those who are supporting this bill, as is evidenced by the roll call, will support the amendment I have proposed. I take it that the Senator from Michigan [Mr. FERGUSON] who is standing will do it; that the Senator from North Dakota [Mr. LANGER] will do it; that the Senator from Minnesota [Mr. SHIPSTEAD] will do

it; that the Senator from Kansas [Mr. CAPPER] will do it; that the Senator from Maine [Mr. WHITE] will do it; that the Senator from South Dakota [Mr. GURNEY] will do it; that the Senator from Nebraska [Mr. BUTLER] will do it; and practically all the other Senators on that side of the aisle, and I am certain that there will not be a discordant vote from the Democratic Party, which stands for liberty and equality in the true Jeffersonian sense.

Is not this a sheer case of hypocrisy, for in spite of what I said, I doubt if there is sufficient moral courage in this body to make good on the professed policy of the pending bill?

Mr. BALL. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. BALL. I will support the Senator's proposal.

Mr. TYDINGS. I thank the Senator. I like to see a courageous man rise in this body.

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. MILLIKIN. I will not support it, and I will not support any of the rest of it.

Mr. TYDINGS. There is another courageous man. Both those positions are understandable. How many more volunteers do we have? Have we any more volunteers? Yet nobody in America, according to the philosophy of this bill, is to be denied the God-given right to earn a living in the sweat of his own brow.

Mr. TAYLOR. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. TAYLOR. I will make plain my position. I will not support the Senator's proposition, simply because I am for the working man. I know that he will be paid a dollar a day for 14 hours if he does not have unions. The union is worthless without a closed shop. So I will not support the proposal. But I do not want to see anybody discriminated against because of race, creed, or color, or religious belief.

Mr. TYDINGS. Now there is another position we can understand. The Senator from Idaho says unless a man belongs to a union he has no right to work. That is clear, that no one shall work in this country who does not belong to a union. We have three brave men so far. I can understand each one of those three positions. They are not any of them in agreement with the other, but at least they are candid. We are making headway.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield to the Senator from South Dakota.

Mr. GURNEY. There is still one more position. I will not support the Senator's proposed amendment, which, by the way, the Senator has not offered.

Mr. TYDINGS. I am not proposing it. I am merely asking those who support this bill if they really mean what they say.

Mr. GURNEY. I say I would not support the Senator's amendment to this bill.

Mr. TYDINGS. It is not my amendment. It is a suggested proposal. I am not offering any amendment.

Mr. GURNEY. I will support the Senator's proposal as a separate piece of legislation.

Mr. TYDINGS. That is candid and understandable. We have four men here who can stand up and be counted. I am sorry that the authors of the bill, who certainly by every inference have thought more about it than all the others of us put together, are not equally candid.

Mr. CHAVEZ. Mr. President, will the Senator from Maryland yield?

Mr. TYDINGS. I yield.

Mr. CHAVEZ. All the moral courage does not belong to the State of Maryland.

Mr. TYDINGS. I do not have any more than my share, but at least I know hypocrisy from the truth when I see it.

Mr. CHAVEZ. That is right, and I can understand it once in a while in someone else.

Mr. President, since the Senator has the moral courage to stand here and make the suggestion he has made, will he vote for cloture so he can offer his amendment and the Senate can vote "yea" or "nay" on it?

Mr. TYDINGS. No, I will not vote for cloture, and I will tell the Senator why. Cloture is predicated upon the theory that the majority can do no wrong; cloture is predicated on the assumption that might makes right; cloture is predicated on the idea that the voice of the individual, for which this country was founded, for which the Constitution was written, for which the Bill of Rights was brought into being, is to be set at naught. It was cloture that crucified Christ on the Cross; it was cloture that put to work the hangman on a thousand gallows through all the Dark Ages. No, the right of protest is one of the strongest guaranties of human rights and liberty left in this or any other republic. It was those who fought cloture who went to the dungeons and prison camps in Germany. Niemöller was one of them.

Mr. TAYLOR. Mr. President, will the Senator yield?

Mr. TYDINGS. Yes, I will yield; but I do not want to become diverted to a discussion of the question of cloture. I have answered that question. I want to get on with the main bout; not with the side show. I want to know how many volunteers there are who will make this great right for humanity cover the whole field. Now let us be frank about it.

Mr. TAYLOR. Mr. President, will the Senator now yield?

Mr. TYDINGS. Yes, I yield.

Mr. TAYLOR. May I ask, is not democracy predicated upon rule of the majority?

Mr. TYDINGS. The rule of the majority! The rule of votes! Majority to hades! The rule of petty political preference! The rule of the majority! The rule that has brought more bloodshed and turmoil and cruelty on this earth than any other thing I know of! Of course it is necessary to have it as a yardstick in order to do business, but let us not fool ourselves with the silly thought that majorities are always right. It was

the majority in this body that struck down the League of Nations, and it was the majority in this body that raised the UNO to eminence.

Mr. TAYLOR. Mr. President, will the Senator yield?

Mr. TYDINGS. Yes, I will yield in a moment. It was the majority in this body that put over the Washington Naval Disarmament Conference, and left this country relatively unprepared for World War II.

Mr. TAYLOR. It is not a question of whether it is right or wrong; it is a question of what the majority wants.

Mr. TYDINGS. My conscience, bad though it may be, is not controlled by the majority. Thank God, that at least is still in my individual keeping, and no power of government can ever take it away from me. This is simply a political shenanigan, and with few exceptions the Republican Party is determined to make capital with the colored vote. Let us have some truth in this body; that is all. All this talk about night sessions and what not—what for? Are Senators on the other side of the aisle burning with any sense of great wrong, because some segment of our population is being mistreated, and are tears of sorrow flowing down their political cheeks? Not at all. Sheer politics!

Mr. SMITH. Mr. President, will the Senator yield?

Mr. TYDINGS. Yes, I yield.

Mr. SMITH. So far as I am concerned, I take issue with the statement made by the Senator that this is simply a political shenanigan. I am deeply concerned at this moment in our history with the question of discrimination between individuals in the matter of equality of opportunity in education and in work by reason of race, creed, or color. That is the only issue raised by this bill. That is why I stand for the bill.

Mr. TYDINGS. I exculpate the Senator from New Jersey, because I think that among the Members of this body he is preeminent in having a mind that is detached from any political considerations, and I tender him my most respectful and humble apologies. But the Senator knows that my arrow has not missed all the marks either on that side of the aisle or on this side. I think we have come to a pretty pass when we take one section of our people and utilize them purely for political purposes. There are Senators voting for this bill who would move out of a hotel if a colored man came into the dining room and sat down at the table with him.

Mr. TAYLOR. Mr. President, will the Senator yield?

Mr. TYDINGS. Yes, I yield.

Mr. TAYLOR. I may say that I live one block from the colored section, and I did not object to buying a house because it was there. My only regret is that it is not in the colored section. If I had it to do again I would deliberately buy one there.

Mr. TYDINGS. I admire the Senator's candor, which I must say is the exception rather than the rule.

How many Senators would continue to live in the apartment house in which they may now live, if it were inhabited



equally by other citizens of our country whose color is different from theirs? Stand up! Stand up! Let us have some exhibitions of the equality about which we are all boasting here. I do not see any Senator standing. I take it for granted then—

Mr. SMITH. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. SMITH. The Senator is confusing some very important issues.

Mr. TYDINGS. What are they?

Mr. SMITH. The Senator is confusing the question of social equality with the question of equality of opportunity in education and in work. I think it is unfortunate that the social question should be brought up when we are discussing something much more fundamental and much more important. I hope the Senate will make its position known upon the question now before us in the very near future.

Mr. TYDINGS. What we are discussing in the very last analysis is the sovereign equality of men of every race, color, or creed in this Republic, to have no prohibition applied to them to prevent their having what all the rest of us have. Am I wrong? If so, I will be glad to have someone point out wherein I am wrong.

Mr. SMITH. I do not understand the Senator's point.

Mr. TYDINGS. I say that what we are discussing is the right of every man to have work no matter what his race, creed, color, national origin, or ancestry may be. Am I right?

Mr. SMITH. I am not sure of the exact wording—

Mr. TYDINGS. It is from the bill.

Mr. SMITH. It provides for equality of opportunity for work, irrespective of color, race, or creed.

Mr. TYDINGS. I do not wish to become personal, but I ask the Senator whether he would favor opening hotels in the District to colored people by law?

Mr. SMITH. I certainly would not open a hotel anywhere by law.

Mr. TYDINGS. What good is the right to work if one cannot realize equality in respect to the rewards of his work?

Mr. SMITH. I do not agree with the Senator that the question of social equality is involved in the question of equality of opportunity in education and work.

Mr. TYDINGS. The Senator is at least candid; but the sole implication of the bill is that there is to be no discrimination against citizens under this flag, no matter what their race may be.

Mr. SMITH. Some of the Senator's distinguished colleagues raised the point that this involves intermarriage of the races. It has nothing to do with it. It would be most unfortunate to raise that issue. That is not the issue involved in the bill.

Mr. TYDINGS. I am not going to raise that issue.

Mr. SMITH. The implication is—

Mr. TYDINGS. But I should like to present the issue of whether or not a man has the right to acquire with the fruits of his labor equal objects, personal, real, or indefinite.

Mr. SMITH. I shall be glad to say this much to the distinguished Senator: I have been abroad a good deal. I have been in England, and I have seen people of dark color, whom we are discussing, received in the finest places in England. They happened to come from India. They were looked upon as citizens, as much as anyone else. We cannot accomplish that result in this country overnight. We can progress toward an understanding of these people, for whom we have a very deep responsibility. I feel that the American people have been to blame for the condition in which they find themselves, and for keeping them submerged because of a prejudice based upon color. To my mind that is unthinkable in free America.

Mr. BALL. Mr. President, will the Senator yield?

Mr. TYDINGS. Just a moment. I return to my original statement, that it is not consistent to give a man, because he may be of a different color than a white man, the right to work by law, and deprive him of the right to utilize the fruits of his labor in direct equality with any other citizen. If one proposition is consistent, the other follows as night follows the day.

Mr. SMITH. It might follow in the course of time; but it does not seem to me proper to raise that issue now, as though social equality were required at this moment. What we want to do is to give these people an education and an opportunity to work. To my mind that is a totally different issue. I hope to see the whole thing accomplished in time. It will take time. However, I believe that we are entitled to take steps slowly toward a condition of equality, irrespective of race, creed, and color.

One of the greatest issues, in addition to the color question, is the question of creed. Let us not mince words. We know perfectly well that people of certain religious faiths are discriminated against, and I feel that we must fight until such discriminations are removed in this postwar period, in building up a new America. If we are to have unity throughout our entire country, which will be the only thing that will bring about production and make us again a united people, we must remove such discriminations. Unity in America today is the most important single issue.

Mr. TYDINGS. I am in complete agreement with the Senator's philosophy. I do not take issue with what he has said. I am only trying to apply the philosophy to the realities of life. Theories do not put bread in the mouths of the people, strike down iron bars, make them intelligent, or give them privileges. Only acts which flow from theories make such things realities.

Mr. SMITH. Mr. President, I should like to add this thought: I agree with the Senator as to realities. It is for that reason that I feel that it is unfortunate at this time to try to make it appear that this is a social issue, and not an issue of equality of opportunity in education and occupation.

Mr. TYDINGS. Some men view the question as one of material equality, and not social equality. The Senator has

been candid. He has stated, in effect, that he believes that every man should have the right to work, regardless of his race, color, or creed, but that he ought not to have social equality.

Mr. SMITH. I would not say that he ought not to have it. I should say that we cannot force social equality under the present unfortunate conditions in our country. I should like to see the time come when that hope may be realized; but I believe that it is most unfortunate and regrettable to force that issue now, in order to prejudice the people against equality of opportunity.

Mr. BALL. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. BALL. The Senator from Maryland spoke of colored persons going to a hotel in Washington. Let me remind him that if a colored person, no matter how dark his skin might be, happened to come from India or Arabia, he could go to any hotel in Washington and obtain a room, and no good American white people would move out.

Mr. TYDINGS. That is correct.

Mr. BALL. The only colored people against whom we discriminate are our own citizens.

Mr. TYDINGS. That is correct.

Mr. BALL. The only people against whom we discriminate are those whom our forefathers brought over here against their will.

Mr. TYDINGS. That is correct.

Mr. BALL. I think it is an issue.

Mr. TYDINGS. That is correct.

Mr. BALL. If we have been fighting a war for freedom and equality of opportunity, I think it is about time for us to begin to apply that theory in the United States. That is why I think the bill is important.

Mr. TYDINGS. I do not quarrel with the Senator. He has been candid. He will carry his idea through to a logical conclusion.

Mr. BALL. I will.

Mr. TYDINGS. I admire the Senator for having thought out the question. He knows where he stands. It is not essential that I agree with him or disagree with him. The point is that he has thought out the question, and is consistent to the end.

The point I wish to make is that the authors of the bill would deny to a large section of our population what the Senator from Minnesota is ready to give to all people, regardless of race, color, creed, or what not.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. CHAVEZ. Why does the Senator say that the authors of the bill would deny it?

Mr. TYDINGS. The Senator knows that in many cases a man has not the right to work if he does not belong to a union.

Mr. CHAVEZ. If the Senator is so brave and courageous, I hope he will let us have the Journal approved so that he may offer an amendment. He is talking about a hypothetical question which might arise, but he does not say that he intends to offer such an amendment.

Mr. TYDINGS. The Senator from Maryland does not have to say it, because when the Wagner Act was before us for consideration the Senator from Maryland offered such an amendment to the Wagner Act, and spoke in behalf of the amendment. When it was not included in that measure, the Senator from Maryland voted against the Wagner Act. The Senator from Maryland did not trim then, and he is not trimming now. I did not vote for the Wagner Act because I had tried on the floor of the Senate, when that measure was under consideration, to have an amendment adopted providing that labor should not be coerced or intimidated from any source whatsoever; and the Senate of the United States struck down that amendment. Why? Not because it did not believe in it, but because those who controlled large blocs of citizens sent word here that they did not want that amendment. Here we indulge in the farce of saying in a formal statement that no man shall be denied a job because of his race, creed, color, or ancestry; but he shall not have the right to a job if he does or does not belong to a union.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. CHAVEZ. Where is there anything in the bill which says that a non-union man may be discriminated against?

Mr. TYDINGS. Absence speaks louder than words.

Mr. CHAVEZ. Where is it? The bill provides that no person shall be discriminated against. It does not say that no union person shall be discriminated against, or that no nonunion person shall be discriminated against. It says, "No person."

Mr. TYDINGS. Let the Senator support an amendment which will make that point clear by adding such a provision to the bill.

Mr. CHAVEZ. When the Senate is ready to vote on the bill the Senator from New Mexico will answer the Senator's question, and he will answer it with just as much courage as is displayed by the Senator from Maryland.

Mr. TYDINGS. Mr. President, such discussion is unbecoming, and I am sorry that an impulse led me into the personal field in this matter. I apologize for an impulsiveness which is one of my great faults, and which I cannot always check. But I cannot help feeling that there is such transparent hypocrisy behind this whole proposal that it is not worthy of the thought or debate of the United States Senate, in the light of the circumstances which every man knows. There are Senators who will not vote for the right of a man to work irrespective of whether he belongs to a union, who are asking that he have the right to work no matter what his race, color, creed, or ancestry may be. Who is going to be fooled by such a position? I am sure that there would be some who would not agree with me; but if I were to talk to the colored people in any city in the United States and lay before them the facts as they have been presented on the floor of the Senate, I am sure that

their sense of humor—far greater than that of their compatriots of the white race—would be so tickled that they would see more quickly than a white audience the transparent sham of the whole proposal.

Mr. CHAVEZ. Mr. President, notwithstanding all that has happened, I believe that this little controversy has brought about progress in the consideration of the bill.

Let me ask the Senator from Maryland if he has read the language on page 2 of the bill, defining unfair employment practices?

Mr. TYDINGS. What part of the bill?

Mr. CHAVEZ. On page 2, line 13, where unfair employment practices are defined.

Mr. TYDINGS. That is the very thing about which I am speaking.

Mr. CHAVEZ. Section 3 provides, first, that—

It shall be an unfair employment practice for any employer within the scope of this act—

(1) to refuse to hire any person because of such person's race, creed, color, national origin, or ancestry.

It does not say a union person, an organized-labor person, or any other kind of a person.

Proceeding further, we try to take care of unions, so that they will not discriminate. If the Senator will turn to page 3 of the bill, he will find the following language:

It shall be an unfair employment practice for any labor union within the scope of this act—

(1) to deny full membership rights and privileges to any person because of such person's race, creed, color, national origin, or ancestry.

Mr. TYDINGS. But the bill does not go further and provide that it shall likewise be unfair for any employer to refuse to employ one who may or may not belong to a union.

Mr. CHAVEZ. What I am trying to impress upon my good friend the Senator from Maryland is this—

Mr. TYDINGS. Up to this moment, the Senator is not having very much success in impressing me. [Laughter.]

Mr. CHAVEZ. I know. But some people are so fallible that they simply will not be impressed.

At any rate, I will make a poor, humble attempt. This bill may not be the best bill in the world. It may be such as suggested by the Senator from Maryland. What I am complaining about is the denial by this body of the right to propose such an amendment as the one suggested by the Senator from Maryland or amendments such as the ones suggested by other Senators.

Mr. TYDINGS. Mr. President, I voted to have the Senate take up the bill. The Senator has no quarrel with me. I am not filibustering; I am arguing the bill.

Mr. CHAVEZ. I understand that. What I am complaining about is that both the Senator and I are taking up the time of the Senate on the bill, when we should be devoting that time in endeavoring to have the Senate act on the motion of the Senator from Louisiana

to incorporate in the Journal the prayer which was delivered on Thursday last, by the Chaplain and then we should try to get to the business of the Senate and possibly consider and approve the suggestion made by the Senator from Maryland.

Mr. TYDINGS. Mr. President, I did not approach this argument as if I were trying a case in a court of law, with all the fine sidelights and nuances which might be employed to make one side of a case which is weak stand up, and another side of a case which is strong go down. I only tried, as I saw the matter, to bring out into the open what I consider to be a tremendous lack and, if I may say so without any intention of reflection, a tremendous and apparent lot of hypocrisy behind this whole thing, which causes me to believe that there are more political Ethiopians in this bill than there are working Ethiopians in it. [Laughter.]

Mr. MAYBANK. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. MAYBANK. The Senator has said that the bill goes beyond the hiring and firing of individuals. I know the Senator is well aware of the Western Electric strike and the troubles following it, which have nothing to do with the hiring and firing of workers.

Mr. TYDINGS. Mr. President, I do not wish to sing a personal eulogy, but the debate has taken such range that I must digress for a moment. I hope that anyone who looks over my record here when I am gone will find that there has never been a vote by me, so far as I know, which has supported, directly or indirectly, any intolerance of any kind whatsoever. I was one of the first men in this body and in America openly to take a stand against prohibition. I fought it as a Member of the House of Representatives in 1922, when it was popular; I ran in a dry district on a wet platform. No one has ever questioned where I stood on that measure because I do not believe morals can be legislated by force into the people of America.

I fought the Ku Klux Klan in 1926, when I was a candidate for the Senate of the United States.

I fought the Wagner Labor Act because upon its face it condemns certain free-born, conscientious Americans to no opportunity to work unless they re-regulate their beliefs and economic religion to fit the concepts of their overseers.

I suppose there is no Member of this body who has more genuine regard for the colored man than I have. I was born and I have lived all my life in a community where they are quite numerous. I have represented many of them in court. They are a likable people. They have had a bad deal. In many respects they have not received the consideration to which they are entitled. My own immediate ancestors fought and died—and I mean died—in the Civil War, shot down in battle wearing the uniform of the Blue. My own great-great grandfather freed slaves in his will, in 1820. He did not have many; he had only three. But he provided that each one of them would be set free upon



his death, and he provided as best he could for their maintenance. I do not need to dwell on that.

I am just as anxious as is any other Member of this body to help the colored man in his long struggle to be accorded greater justice in the factory, in the office—anywhere. But as one who has some little regard for the lessons of history, I realize that Government cannot force such progress. It evolves. It has evolved. Almost within my lifetime—in fact, certainly within my lifetime—men in this country fought to set them free, to right a great wrong, to give them citizenship. They have made enormous strides since then. Some of them have turned out to be very eminent in the fields of endeavor they have selected. They are entitled to all the cooperation we can give them.

But I seriously doubt whether in the long run the whole idea of force, again, as was exhibited in connection with the Volstead Act, as was exhibited in connection with the Ku Klux Klan, as was exhibited in connection with the Wagner Act, and as is now exhibited here, is going to achieve the freedom and justice to which they are rightfully entitled.

There is only one way to guarantee to the colored man, if we are going to do it by law, the equal opportunity which the white man has in employment, and that is to wipe from his path every restriction which now keeps him back. It cannot be done by saying, "You can get a job in plant A only if you belong to a union." What good is it to take away discriminations because of race, color, religion, or ancestry, if, after that has been done, when a man goes to the door of a plant and knocks on it and says, "I want to work here"; the employer replies, "You cannot work here."

The man asks, "Why can't I work here? Do you mean that I can't work here because I am black?"

The employer says, "No; it is not that."

The man asks, "Do you mean that I can't work here because I am a Methodist—or a Catholic?"

The employer says, "No; it is not that."

The man asks, "Do you mean that I can't work here because my ancestors came from Africa?"

The employer says, "No; it is not that."

Then the man asks, "Then why can't I work here?"

The employer says, "You can't get a job here—I don't care what you believe—until you belong to XY Union. Unless you belong to XY Union, you get out of here, because there is no job here for you."

The man says, "But I am an American. Congress has said that you can't refuse to hire me because I am black."

The employer says, "That's right."

The man says, "You can't refuse to hire me because my ancestors lived some place else."

The employer says, "That's right."

The man says, "You can't refuse to hire me because I put on my questionnaire that I am a Methodist."

The employer says, "That's right."

Then the man says, "Well, if I am a free American and have done no wrong, why can't I get this job?"

The employer says, "Because the Congress of the United States in the Wagner Act says you can't work here unless you belong to the union."

Now where is this vaunted freedom? Where is all the freedom we were going to give the colored man? Despite all that we are now urged to do, he would be told by the employer, "No matter what your conscience or your ideals tell you, you have got to rearrange your ideals and your philosophy to suit those of the union; and, more than that, you have got to pay \$30 to a man who does not work here, who has nothing to do with my plant, for the opportunity to work here."

Now where is your equality?

Mr. TAYLOR. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. TAYLOR. The silence here following the questions the Senator from Maryland has propounded in his speech is, I think, because the other Members of the Senate scarcely believe it is worth while to answer such arguments.

Mr. TYDINGS. Well, Mr. President, I realize the limitations of the Senator from Idaho. [Laughter.]

Mr. TAYLOR. I appreciate that; I know that I am new and must suffer the consequences.

Mr. TYDINGS. The Senator is not only new politically; he is new mentally.

Mr. TAYLOR. I hope I am new mentally; the world is in need of some new mental processes. However, I think that all this is just a left-handed attack against labor unions.

Mr. TYDINGS. I care not whether it is a left-handed, a right-handed, a front-handed, or a back-handed attack. The Senator, if he has any conscience—and I know he has—knows it is the truth; and the truth is the only thing that really matters.

Mr. TAYLOR. It is the truth that a man cannot work in some plants unless he is a member of the union.

Mr. TYDINGS. Yes.

Mr. TAYLOR. But that is a majority rule.

Mr. TYDINGS. Oh, pshaw!

Mr. TAYLOR. It is a rule by a majority of the union.

Mr. TYDINGS. Then, if the majority of the people were to rule that the colored man should have no vote, no right to work, no chance to go to school, the Senator would say, "That is all right; the majority have ruled that the colored men shall have no vote, shall not have a right to work, shall not have a chance to go to school."

Mr. TAYLOR. I would vote against the proposition, but would still say that the majority decision rules in a democracy.

Mr. TYDINGS. Perhaps the Senator from Idaho would accept it, but I would go out and join the Army. When that day comes, I say it is time for all of us to join the Army.

Mr. TAYLOR. That day will not come.

Mr. TYDINGS. Mr. President, here is a government which was founded on the principle that there should not be taxation without representation. Here is a government which denies to a man the

fundamental right to make a living unless he is an economic Methodist, an economic Catholic, or an economic Jew. Religion is not alone of God. Religion is of this earth. Religion is not something abstract. It is not a concept that is up in the stars. Religion is nothing more than civilization, the invisible God by which men govern themselves without government, and conscience is the charter of religion. Conscience being the charter of religion, a man may in good conscience say, "I do not believe that labor unions are a good thing for America." But we say, "You must be a Methodist economist, or a Catholic economist, or a Jewish economist," while the Bill of Rights, in its first amendment, says that none of that shall be required in this country. Let me read it. We have heard much talk about the Bill of Rights, as if people would follow it as soon as its philosophy were put to the test. What does the Bill of Rights say? Amendment I begins as follows:

Congress shall make no law respecting an establishment of religion.

The majority may not declare this country to be Methodist. But if the majority so declared, the Senator from Idaho [Mr. TAYLOR]—I do not know what his religion is—would immediately say, "That is all right. I have no mind on it. I have no ideals. I have no convictions. The majority has spoken. Henceforth we shall all be Methodists."

Or, if the Congress were to declare that our State religion shall be Catholic, or Jewish, and that no other religion shall be permitted, then the Senator from Idaho would say that the majority had spoken. He would say, "I really believe in Methodism, but the majority having spoken, I will immediately and conveniently believe in Catholicism if the majority believes in it, or in Judaism if the majority believes in it," and then the Senator would immediately become in favor of it.

Some persons have the idea that the philosophy of this amendment deals only with church affiliations. There are many atheists in this country. I do not agree with them, but they do not believe in God. There are many persons who do not go to church, but the Constitution gives them that freedom. Throughout the entire spirit and the very letter of the Bill of Rights the whole philosophy is that no man shall be denied work in America. But the Senator from Idaho would deny him work.

Mr. President, I am not attacking the unions. Perhaps if I were working in a place where a union existed I would join it. Persons have a right to belong to a union. I will defend that right here in the Senate with every ounce of strength I possess. Any man who wants to belong to a union has a right to belong to it, and every man who does not want to belong to a union should be protected by all the weight and power of this great Government. That is the only meaning of freedom that is worth anything at all. That is what the Bill of Rights provides. Let me again read from it:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.

What was meant by religion was the whole field of human thought; the freedom to think and to believe, including the freedom to believe in a union or not to believe in it. Congress has said, in effect, "You must believe in a union or you may not work." That has stricken down the whole philosophy of the first amendment of the Bill of Rights.

Let us consider the subject of majorities. Who would follow a majority that would say that all men over 21 years of age shall be put to death? Who would follow a majority that would say that only those over 60 years of age shall be taxed? Who would follow a majority that would say that only those who belong to a labor union shall have the right to toil, earn, and rear a healthy and well-cared-for family? Yet, Mr. President, that is what the Congress of this country has said, and merely because there are 10,000,000 labor unionists who may have been misled in some way or another, we cannot get up the steam to undo the wrong which has been done.

I come from an industrial State. Baltimore has half the population of Maryland, and is a great industrial city. But I would rather leave this floor and stay off it from now until eternity than to be a party to prohibiting a man from obtaining a job merely because he did not belong to some union. I certainly would not be such a hypocrite as to think that by taking such a position I had aided the cause of freedom in the United States. There is no freedom in it. I am in favor of labor, but I do not want to play the game of the demagog by saying that labor is always right, because it is not always right any more than is capital always right. Our job is not to further the cause of labor or capital. Our job is to represent the entire public by seeing to it that no laws are passed here which are discriminatory against groups, be they religious groups, or otherwise.

Mr. President, I am not averse to the philosophy of the pending bill. I like its purpose. So far as it goes, I think it springs, in the main, from a conception of justice. My question is, Will it do the job? Can we enforce the results which are hoped for by the passage of such legislation?

I know that representatives of the colored people are in the gallery. My remarks will be referred to. I will be called an enemy of the colored race, a Fascist, and not fit to represent the great and free people of Maryland. I know that others will say, "There are Senators who are representing great interests, such as the steel interests, and so forth; they are the mouthpiece of big business." But I do not care what they may say. If I know, as I do know, that my position is straightforward and honest, and can be defended on the stump, I will meet them there if they want to draw the issue. I have felt that the people of Maryland, and of this country generally, whether they be black or white, will respond to truth and not succumb to misrepresentation.

Yes, Mr. President, we speak of liberals. Are you a liberal? If you are a liberal, knock the shackles off the working people of America and give them the right to earn bread without compelling

them to join any movement, religious or otherwise, as a prerequisite to obtaining work. That is the only real freedom that men may have. This proposal is but a convenient sham. It is not an ultimate approach to the situation, and in his inner heart and conscience every man knows that it will not afford complete freedom, as my friend, the Senator from Minnesota, was candid enough to admit by stating his own position.

I sympathize with the position of the Senator from Colorado. I think he is just as good a friend of the colored man as are the authors of the pending bill. Indeed, if the colored man were in any jeopardy or faced with any trouble, I believe the Senator from Colorado would stand here with all the force at his command in order to see that the colored man received a square deal. I am not interpreting his thoughts, but it is experiences which a Senator undergoes that perhaps chart his course here in considering the harm which may come to this race which has developed in this country, and which has already made great strides.

Mr. President, the hour of 6 o'clock having arrived, and all of us in this land now knowing of the intolerances of the Wagner Act which perhaps chained thousands of men, and now knowing that the pending bill does not stand for complete freedom but only for the political kind which will be handy in the next election, so far as I am concerned some one of those who are in charge of the bill may make a motion to recess, and we will retire for the night to more pleasant dreams.

#### RECESS

Mr. CHAVEZ. Mr. President, in order that we may meditate over the sermon and chastisement of the Senator from Maryland, I move that the Senate now take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock p. m.) the Senate took a recess until tomorrow, Wednesday, January 23, 1946, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES

TUESDAY, JANUARY 22, 1946

The House met at 12 o'clock noon, and was called to order by the Speaker pro tempore, Mr. McCORMACK.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Heavenly Father, the ruler of the world's destiny, we pray Thee to lead us out of our misunderstandings into the light of Thy searching truth. As the devout spirit counts the beads of the rosary, so may we consider that our souls may bring forth from the living fields of faith works worthy of repentance. O Thou who art the Holy Spirit, open the secret of our hearts and may the divinity of our breasts seek Thee, in whom we live and move and have our being.

As we put the reins of our judgment in Thy hands, do Thou help the Congress to greet this day as a rich opportunity. We pray that social consciousness may be

tempered with the individual value of every man and woman, and that their personal worth may influence every mass movement in our country. O God, it is neither the reign of tyranny nor the rule of the mob that is Christian. Thy kingdom is neither meat nor drink, but righteousness, joy, and peace in Jesus our Elder Brother, after whom the whole family is named. O give us a mighty uprush of courage as we challenge any foe of free and democratic government, or any who fail to call Thee Lord and Master. In Thy holy name we pray. Amen.

The Journal of the proceedings of yesterday was read and approved.

#### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Miller, one of his secretaries.

#### ADDITIONAL COPIES OF HEARINGS HELD BEFORE JOINT CONGRESSIONAL COMMITTEE ON THE INVESTIGATION OF THE PEARL HARBOR ATTACK

Mr. JARMAN. Mr. Speaker, from the Committee on Printing, I report (Rept. No. 1483) back favorably a privileged resolution (S. Con. Res. 43), and ask for its immediate consideration.

The Clerk read the resolution, as follows:

*Resolved by the Senate (the House of Representatives concurring), That, in accordance with paragraph 3 of section 2 of the Printing Act, approved March 1, 1907, the Joint Congressional Committee on the Investigation of the Pearl Harbor Attack be, and is hereby, authorized and empowered to have printed for its use 5,000 additional copies of each part of the hearings held before said joint committee during the Seventy-ninth Congress, pursuant to Senate Concurrent Resolution 27, a concurrent resolution to investigate the attack on Pearl Harbor on December 7, 1941, and events and circumstances relating thereto.*

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### HENRY J. KAISER

Mr. HAVENNER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HAVENNER. Mr. Speaker, I think that history will support me in an expression of pride that a great American businessman, who has his headquarters in the district which I have the honor to represent, has taken a stand which I believe will lead our Nation out of the industrial crisis in which it is now involved. I refer to Henry J. Kaiser, of California, who led the whole world in production achievement during the recent war. It was his genius and the genius of other Americans like him which made victory for our armed forces possible.

This great western producer has set his face toward the future, while the eastern steelmasters are stubbornly looking backward. He recognizes that if the American Nation is to progress toward its ultimate destiny of full production